



**Draft Minerals and Waste Plan Consultation Jan – March 2019**

We would like to know what you think of the draft plan. Your views will help to shape the pre-submission draft, which will be sent for independent examination.

Please read the draft plan and accompanying background documents before answering the following questions:

1. Do you consider that the evidence gathered to underpin the Draft Minerals & Waste Local Plan is sufficiently comprehensive?

Yes  No  Don't know .

If no, please explain why

This is an impossible question to answer as we do not have a reference list.

2. The Draft Minerals & Waste Local Plan's vision (in section 4) is focussed on achieving sustainable development through: the efficient use of minerals; the minimisation and effective use of wastes; and enabling self-sufficiency and resilience. Do you consider this to be an appropriate, yet deliverable approach?

Yes  No

If no, please explain why

Yes, the way that section 4 is constructed is appropriate and as long as the management of the objectives is adaptive the outcomes should be realistic.

3. Evidence shows that there will be a need for additional sand and gravel reserves to be permitted over the lifetime of the Minerals & Waste Local Plan. Do you consider the policy approach of 3 allocated sites, 2 preferred areas of search and other areas of search to be appropriate? (Policy M3)

Yes  No

If no, please explain why

As long as the commitment to habitat creation and management is appropriately deployed.

4. Seeking to increase levels of self-sufficiency and to make a contribution to the Managed Aggregates Supply System of crushed rock (limestone), Policy M4 sets out where new permissions for its extraction shall be permitted (2 allocated sites, 2 areas of search and other areas of search). Do you consider this to be an appropriate approach?

Yes  No

If no, please explain why

Yes, as long as appropriate environmental impact assessments are carried out.

5. The waste strategy (Policy W1) seeks to see Herefordshire reduce its wastes produced, re-use, recycle and recover energy more and decrease the amounts going for disposal. Do you consider this and the subsequent policies on waste management development are suitable and deliverable?

Yes  No

If no, please explain why

Yes, they appear to be well intentioned as long as infrastructure is sufficient to cope with population growth + increased demand.

6. The draft Minerals & Waste Local Plan has been prepared flexibly, to enable appropriate development to occur within the context of local and national changes in circumstances, and will undergo 5-yearly reviews. Do you consider this is an appropriate and considered approach to minerals and waste management provision over the plan period (up to 2031)?

Yes  No

If no, please explain why

Yes, it needs to be flexible and adaptive.  
I would request that consultation such as this is carried out every 5 years.

7. Do you have any other comments on the draft Minerals & Waste Local Plan, its evidence base, or its soundness?

Yes  No

If no, please explain why (Use continuation box on page 4 if necessary)

In section 3.4 Issues and Challenges I would prefer to see bullet point 5 reworded to say "Address the potential positive and negative impacts..." rather than "considering how to address...". The final bullet point under subheading 'Aerial' in section 3.4 would benefit from having 'adaptive management' included in the sentence as well as flexibility. Please see overleaf.

About you:

Name: ANQA A LLOYD

Address: [REDACTED]

Postcode: [REDACTED]

Email: [REDACTED]

Do you wish to be informed of future planning policy consultations?

Yes  No

(You have the right to withdraw your consent at any time by notifying us.)

#### Access to Information

All personal data will be treated in line with our obligations under the Data Protection Act 2018, which includes the provisions of GDPR. This means your personal data will not be shared. The data collected will not be used for any other purpose. We do publish representations but email addresses, telephone numbers and signatures will be removed beforehand.

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If you would like any further assistance, please contact us in one of the following ways:

Email: [ldf@herefordshire.gov.uk](mailto:ldf@herefordshire.gov.uk) or telephone 01432 383357

Questionnaires can be returned by post to:

Forward Planning, Herefordshire Council Offices, Plough Lane, Hereford, HR4 0LE

Or by email to [ldf@herefordshire.gov.uk](mailto:ldf@herefordshire.gov.uk)

Please return this questionnaire by midnight on 4th March 2019

Thank you for taking time to share your views with us.

Further comments (Please indicate the question you are referring to).

\* continued from question 7.

Section 5.3 - Movement and transportation.  
The inclusion of 'slow' transport networks would be beneficial (i.e. showing a commitment to using canal networks).

Core Strategy Policy LDI 5.4.8 - I think this would benefit from giving more specific consideration to what is meant by "consider soil quality in more detail". Does this mean compaction, contamination, run-off? Examples could be included to add clarity.

Policy SS8: Resource management - 2c. Would it be feasible to consider adding community composting?

Policy M7: Unconventional hydrocarbons.  
Would it be possible for the Welsh Council to look at other methods of securing energy supply and supporting a transition to a low carbon economy (e.g. hydro-electric power, wind, solar).

Agricultural waste - would this section benefit from including a spatial strategy?

Section 8.3. Monitoring 8.3.5. Could details of who or what the 'waste Data Interrogator' be included?

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Yes            No     

If no, please explain why

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Yes            No     

If no, please explain why

3. Evidence shows that there will be a need for additional sand and gravel reserves to be permitted over the lifetime of the Minerals & Waste Local Plan. Do you consider the policy approach of 3 allocated sites, 2 preferred areas of search and other areas of search to be appropriate? (Policy M3)

No comment

Yes            No     

If no, please explain why

4. Seeking to increase levels of self-sufficiency and to make a contribution to the Managed Aggregates Supply System of crushed rock (limestone), Policy M4 sets out where new permissions for its extraction shall be permitted (2 allocated sites, 2 areas of search and other areas of search). Do you consider this to be an appropriate approach?

Yes  No

If no, please explain why

5. The waste strategy (Policy W1) seeks to see Herefordshire reduce its wastes produced, re-use, recycle and recover energy more and decrease the amounts going for disposal. Do you consider this and the subsequent policies on waste management development are suitable and deliverable?

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Yes  No

If no, please explain why

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Yes  No

If no, please explain why (Use continuation box on page 4 if necessary)

**Policy SS8 Resource Management** - The draft plan incorporates this new policy which is intended to manage climate change, by directing the use of minerals and waste resources, through the encouragement of waste prevention and the provision of a Resource

Audit. The resource audit is designed to identify the sourcing of construction materials and the amount and types of waste generated. As this concerns minerals use rather than production and supply it seems more relevant to the core strategy rather than the HMWLP

**Policy M1: Minerals Strategy – Subpara (a)** - The policy direction in Policy M1: Minerals Strategy, is to deliver sustainable winning and working of minerals and includes “identifying sources of alternatives to primary mineral resources, and encouraging the development of facilities to process alternative materials either at the point of production or other suitable locations”.

The draft plan acknowledges that a purpose of recycling, which is part of the waste strategy, is to reduce the pressure on primary mineral reserves. Alternatives to primary resources may be secondary aggregates or recycled aggregates. The policy aim in M1(a) of encouraging the development of processing facilities, in conjunction with provision in W6 for example, to encourage recycling, by making available or permitting mineral sites for processing CDE waste, is sound but it is doubtful that mineral planning policy M1(a) can “identify sources of alternatives to primary mineral resources”. The sources, in the case of CDE wastes in particular, are driven by other development opportunities in response to economic circumstances which is an open market factor which may generate the CDE waste. The draft policy M1(a) would be deliverable without the highlighted text.

**Policy M1 Minerals Strategy – Subpara (b)** – Provision is included for ensuring that new-build and refurbishment developments should contribute to the “efficient use of resources, increasing the proportion of recycled materials used as an alternative to primary mineral where appropriate”. This is a supply chain aspiration which may not be influenced directly through mineral planning policy but perhaps could be an intention of the core strategy.

**Policy M2 Minerals Safeguarding of Mineral Resources from Sterilisation** – The supporting text in the draft HMWLP refers to Figure 7 as depicting the extent of the mineral safeguarding areas. As the policy relies on this plan representation it needs to be clear. The plan becomes pixelated and distorted and is rendered meaningless when enlarged. Future iterations of the HMWLP need to improve the plan representation serving this policy.

The mineral safeguarding areas focus on BGS mapping and preferred sites. Buffer zones around existing operations and site allocations have been discounted in the reasoning with arguments that different minerals require different buffer zones and that there is no distance or area otherwise prescribed in planning policy on this issue. However the Spatial Context and Site Report supporting text in para 2.4.57 suggests that policy will make clear that buffer zones/separation distances may be required in specific circumstances based on site specific assessment. This does not appear in the proposed wording of M2 or in M1(g) and should be expressed as it is a valuable policy intention and tool in protection of mineral resources.

**Policy M4 Winning and Working of Crushed Rock (Limestone)** – Policy M4 (C) implies that in addition to the two crushed site allocations and the areas of search that there are other areas of search. These are not defined. If these areas are relevant to landbank provisions they will not be adequately protected in safeguarding Policy M2 as they are

undefined and may be outside of the safeguarded areas or preferred areas of search. This comment applies equally to Policy M3.

About you:

Name:...Ataghan Limited Stoke Edith Estate.....

Address:... The Estate Office, Stoke Edith, Herefordshire, HR1 4HG  
.....  
.....

Email:... edith@estateoffice.org.....

Do you wish to be informed of future planning policy consultations?

Yes  No

(You have the right to withdraw your consent at any time by notifying us.)

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Further comments (Please indicate the question you are referring to).

The following comments are site specific relating to Perton Quarry minerals site reference 10a and 10b and waste site reference W48a and W48b

#### **SSSI Designation**

The Spatial Sites Context Report Annex A and B describes the existing quarry at Perton and the site allocation. There are two NE reference and citation numbers of the SSSI designations at Perton however the two designations have the same name, Perton Roadside Section and Quarry. The areas are at Perton Roadside Section and Quarry (1) - Reference 1046401 Citation 1013238 and Perton Roadside Section and Quarry (2) adjacent to the roadside Reference 1046402 Citation 1026659.

Within the text of the HMWLP documents the two designations are combined although a subtle distinction is made in the wording throughout as it refers to "..... sites M10a and M10b as they either contain (as is the case for M10a) or are adjacent (as is the case for



M10b) to the Perton Roadside Section Quarry SSSI.” However neither the existing quarry or the site allocation are adjacent to Perton Roadside Section and Quarry (2).

The Site Spatial Context Report Annexes A & B do not reflect the correct SSSI relative to the existing quarry or site allocation. The Perton Roadside Section and Quarry (1) SSSI is within the existing quarry extent. The site allocation area is not within this part of the SSSI although is adjacent to it. The Perton Roadside Section and Quarry (2) SSSI is within the highway boundary on the eastern side of Perton Road from a point near to the quarry entrance as far as a disused quarry. This SSSI is not within the existing quarry and it is difficult to describe it as adjacent to the existing quarry as it includes the face away from the roadside. The site allocation is also not within or adjacent to this SSSI designation.

### **SSSI Prevention of adverse impacts**

The HMWLP 3.4 Issues & challenges General refers to “Developing an appropriate approach to the protection and enhancement of the plan area’s ..... Sites of Special Scientific Interest“. it relies on Core Strategy Policy LD2: Biodiversity and Geodiversity to deliver this which is compatible with the NPPF. Relevant parts of the policy are “Development proposals should conserve, restore and enhance the biodiversity and geodiversity assets of Herefordshire, through the:

2 restoration and enhancement of existing biodiversity and geodiversity features on site and connectivity to wider ecological networks;

Where appropriate the council will work with developers to agree a management strategy to ensure the protection of, and prevention of adverse impacts on, biodiversity and geodiversity features.”

The approach appears to be more forensic in the Spatial Sites Context Report Annex A against the site specific allocation for Perton which states that “Any planning application will be required to demonstrate how the geological and fossil features for which the SSSI is designated will be preserved throughout working reclamation and afteruse”.

The sustainability appraisal notes that quarrying need not be an adverse impact on the SSSI and indeed extraction is seen as a way of exposing and more areas of interest than would exist without quarrying.

Although the comment requiring geological features to be “preserved” is not included in policy there is incompatibility in the terminology. LD2 refers to prevention of adverse impacts. If features are “preserved” it suggests there would not be any extraction to uncover and expose more geological features. The wording should be amended in the site allocation assessment to reflect the intentions of LD2 to prevent adverse impact.

### **Suitability for Waste Uses**

The Spatial Context Sites Report assesses waste sites and considers waste sites and minerals sites for capability in waste use. In para 3.3.2 it refers to Sites W42 to W57 as the mineral sites selected to be considered for waste uses, principally the recovery of construction, demolition and excavation wastes and the deposit of waste. The notes against Perton W48a and W48b discount Perton for waste use on the grounds that the site will be restored using on site materials. i.e. not importation of CDE wastes. The extant permission does not permit use of waste in restoration of the site although the restoration scheme is yet to be determined. However the waste strategy intended to consider sites for recycling as well as deposit of waste. If considered under policy W6: Preferred Locations for Construction, Demolition and Excavation Waste Management Facilities, Perton could be promoted in future as an active mineral working as a suitable location for treatment of CDE wastes. There may also in future be a case for partial infill, depending on the useable land area required for future afteruse intentions. It could mean a change in the existing planning permission but the current planning permission should not be a reason for discounting the future potential of this site to serve waste deposit needs or recycling uses.

## Latham, James

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**From:** Gilson, Susannah  
**Sent:** 11 March 2019 14:04  
**To:** Eaton, Victoria  
**Cc:** Singleton, Kevin  
**Subject:** FW: EXT || Draft Minerals and Waste Local Plan Consultation

FYI

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**From:** Cashman, Vicky <[vicky.cashman@cadentgas.com](mailto:vicky.cashman@cadentgas.com)>  
**Sent:** 11 March 2019 13:59  
**To:** ldf <[ldf@herefordshire.gov.uk](mailto:ldf@herefordshire.gov.uk)>; Gilson, Susannah <[Susannah.Gilson@herefordshire.gov.uk](mailto:Susannah.Gilson@herefordshire.gov.uk)>  
**Subject:** {Disarmed} FW: EXT || Draft Minerals and Waste Local Plan Consultation

Dear Susannah

Apologies for the delay and appreciate I have now missed your consultation deadline however I wanted still to flag to you a high pressure (major accident hazard pipeline) which is located within the Wellington Quarry allocations. This is a potential constraint to any quarrying activity in this area and I would request that Cadent Gas ([plantprotection@cadentgas.com](mailto:plantprotection@cadentgas.com)) are consulted as part of any proposed planning application for this area.

Kind Regards  
Vicky

Vicky Cashman  
Consents Officer

### **Cadent**

Ashbrook Court, Central Boulevard, Prologis Park, Coventry CV7 8PE  
+44 (0)77 47671508

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**From:** Gilson, Susannah [<mailto:Susannah.Gilson@herefordshire.gov.uk>]  
**Sent:** 21 January 2019 11:20  
**To:** .box.plantprotection  
**Subject:** EXT || Draft Minerals and Waste Local Plan Consultation

### **Draft Minerals and Waste Local Plan (MWLP) – Consultation**

We will shortly be consulting on the first draft of the Herefordshire Minerals and Waste Local Plan, which will form a part of the planning policy framework (Local Plan) for Herefordshire, and would like to know your views.

The draft MWLP will be consulted upon from Monday 21 January to Monday 4 March 2019.

Minerals and waste planning is concerned with the delivery of sustainable minerals supply and waste management. This includes providing for the efficient use of minerals, the effective minimisation and use of wastes, and enabling self-sufficiency and resilience.

The MWLP will set out the strategic priorities for minerals and waste development in Herefordshire until 2031 and beyond. It contains the vision, objectives and strategy for minerals and waste planning. It also has detailed policies and locations for future minerals extraction, (such as sand and

gravel pits or crushed rock quarries) and for the development of waste management facilities (such as recycling centres).

The draft MWLP and more information, such as associated evidence base documents, and details on how to take part in the consultation, can be viewed online at the following web address:

**[MailScanner has detected definite fraud in the website at "emea01.safelinks.protection.outlook.com". Do not trust this website: www.herefordshire.gov.uk/mineralsandwaste](#)**

Documents can also be viewed online at libraries and info centres across the county.

You are invited to a formal stakeholder question and answer session with officers of the council and the consultants, who prepared the Draft MWLP, which will take place on 5 February 2019 at 10:00am at The Courtyard, Edgar Street, Hereford, HR4 9JR.

**If you are interested in attending this event, please let us know by email at the address below no later than Friday 1 February.**

Responses received during the consultation period, along with further evidence gathered, will help formulate the pre-submission version of the Minerals and Waste Local Plan.

If you have any questions about the consultation, you can call us on 01432 260146, 01342 260137 or email us on [ldf@herefordshire.gov.uk](mailto:ldf@herefordshire.gov.uk)

Your details are contained within our consultation database. You have the right for them to be withdrawn at any time by contacting [ldf@herefordshire.gov.uk](mailto:ldf@herefordshire.gov.uk)

Kind regards

*Victoria Eaton*

Senior Planning Officer (part-time)  
Tel: 01432 260146  
Email: [veaton@herefordshire.gov.uk](mailto:veaton@herefordshire.gov.uk)

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## Latham, James

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**From:** Augustine Fowler-Wright  
**Sent:** 31 January 2019 15:26  
**To:** Gilson, Susannah  
**Subject:** Re: Draft Minerals and Waste Local Plan Consultation drop-in

**Follow Up Flag:** Follow up  
**Flag Status:** Completed

From Gus Fowler-Wright

Thank you for the email notification.

I do not believe that a public forum would assist us.

We own Madley Industrial Estate of which 5.5 acres approx ( branded Stony Street Industrial Estate ) after an arduous and extensive Environmental Impact Assessment; obtained Planning Consent for the not constructed waste plant.

This site procurement process revealed it to be a unique 'waste processing or waste to energy' 'in County site'.

There simply was no other site suitable.

I will send a site plan to assist.

I would note that the current review of County Travellers' site's considering a former Travellers' Site on our boundary should be considered after the value to the County if having a single waste processing plant plot available. To avoid compromising it without consideration.

I would be happy to meet the relevant Planning Officer if this would assist.

Kind Regards,

Gus F-W

Sent from my iPhone

On 22 Jan 2019, at 14:51, Gilson, Susannah <[Susannah.Gilson@herefordshire.gov.uk](mailto:Susannah.Gilson@herefordshire.gov.uk)> wrote:

A public drop-in session will take place at The Courtyard Theatre, on Tuesday 5 February from 1-3pm. It will be an opportunity for you to ask any questions and find out more information about the Draft Minerals and Waste Local Plan consultation.

The draft plan and accompanying documents are available to view at [www.herefordshire.gov.uk/mineralsandwaste](http://www.herefordshire.gov.uk/mineralsandwaste)

If you have any questions about the consultation, you can also contact us in the following ways:

Email - [ldf@herefordshire.gov.uk](mailto:ldf@herefordshire.gov.uk)

Or call 01432 260146, 01342 260137

Kind regards  
Susi

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<image002.png>

Susi Gilson  
Economy and Place Directorate  
Community Engagement Officer  
Plough Lane Offices, Hereford, HR4 0LE  
01432 383357  
[susannah.gilson@herefordshire.gov.uk](mailto:susannah.gilson@herefordshire.gov.uk)

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## Latham, James

---

**From:** Augustine Fowler-Wright  
**Sent:**  
**To:** 07 February 2019 11:10  
**Subject:** Gilson, Susannah  
**Attachments:** Draft Minerals and Waste Consultation  
Doc 07 Feb 2019, 0929.pdf; ATT00002.txt  
**Follow Up Flag:**  
**Flag Status:** Follow up  
Flagged

From Gus Fowler-Wright

Further to my previous email.

Please add attached plan to the bundle.

Edging:

Orange: Proposed Travellers' Site

Green: Our land ( Farm ( pig Holding number) to North. Madley Industrial Estate to South ( ie main access road extending from Stone Street through the Estate to our land 'off plan to East'.

Edged Red: Stony Street ( ie not constructed) Industrial Estate.

It is this land / facility that has been shown to be a unique 'in County' waste or waste to energy site.

I note that the Consultation re the Travellers' Site is re a site that shares the entrance and road proximity and accordingly does not consider any 'Cordon Sanitaire'.

Kind Regards,

Gus Fowler-Wright



AUG 2003

1:2000



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Yes



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Yes



No



If no, please explain why

4. Seeking to increase levels of self-sufficiency and to make a contribution to the Managed Aggregates Supply System of crushed rock (limestone), Policy M4 sets out where new permissions for its extraction shall be permitted (2 allocated sites, 2 areas of search and other areas of search). Do you consider this to be an appropriate approach?

Yes



No



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Yes



No



If no, please explain why

7. Do you have any other comments on the draft Minerals & Waste Local Plan, its evidence base, or its soundness?

Yes

No

If no, please explain why (Use continuation box on page 4 if necessary)

On behalf of Dinmore Aggregates Ltd, we have promoted the allocation of the sand and gravel reserves to the north of Wellington Quarry (immediately south and north of Haywood Lane) together with restoration of the land with the use of inert waste. The background environmental assessment work carried out by independent specialist environmental consultants to support the allocation (and a future planning application) demonstrates that there are no in principle constraints to the proposed supply of sand and gravel reserves from this land across the Plan period.

About you:

Name: **Christian Smith, (GP Planning Ltd) – On behalf of Dinmore Aggregates Ltd**

Address: **iCon Environmental Innovation Centre, Daventry, Northamptonshire, NN11 0QB**

Email: **chris@gpplanning.co.uk**

Do you wish to be informed of future planning policy consultations?

Yes

No

(You have the right to withdraw your consent at any time by notifying us.)

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Herefordshire  
Forward Planning – Draft MWLP  
Plough Lane  
Hereford  
HR4 0LE

My Ref: TAR-022-M/MWLP/001

Your Ref:

Date: 4<sup>th</sup> March 2019

Sent by email to [ldf@herefordshire.gov.uk](mailto:ldf@herefordshire.gov.uk)

Dear Sir/Madam,

## **HEREFORDSHIRE MINERALS AND WASTE LOCAL PLAN: DRAFT PLAN**

### **REPRESENTATIONS ON BEHALF OF TARMAC TRADING LTD**

Thank you for allowing us opportunity to make representations in respect of the above consultation on the Herefordshire Minerals and Waste Local Plan (MWLP). Our comments on behalf of Tarmac Trading Ltd (Tarmac) are set out below.

Our client has mineral interests within Herefordshire – namely Wellington Quarry (including the Moreton on Lugg railhead), Shobdon Quarry and Nash Scar Quarry. We have made representations to the ‘call for sites’ consultation which took place during 2016 and in response to the subsequent Issues and Options Paper in 2017. We have previously stated that all of the sites listed above have the potential for working during the emerging MWLP plan period. Amongst other points of relevance to our client, we would like to re-iterate that all of Tarmac’s interests within Herefordshire retain the potential for working over the MWLP plan period.

This letter is a summary of the current operations and potential extensions that may come forward over the MWLP Plan period as appropriate. We also include comments on the content of the MWLP Draft Plan and how we consider the MWLP can be reconfigured where appropriate to ensure that the MWLP stands the greatest chance of being found ‘sound’ at Examination.

In summary, Tarmac interests within Herefordshire include:

#### **Heatons**

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Wellington Quarry: Wellington Quarry is an operational sand and gravel quarry with ancillary processing infrastructure, located off Heywood Lane (situated to the north of Moreton on Lugg). The site also supports ancillary operations including a 3<sup>rd</sup> party operated ready mixed concrete plant, a concrete blockworks and a dedicated railhead for mineral export (discussed below).

Tarmac have long-term aspirations for the continued working of sand and gravel resource within this area and have promoted extensions for sand and gravel extraction.

Moreton on Lugg Railhead: The railhead is extensively used for the purposes of storage, loading and distribution of hard stone minerals by rail, predominantly in to the south east. The stone originates from the company's nearby quarries and Dolyhir and Gore and is delivered to Wellington by road. As sand and gravel resources in other parts of the country become scarcer, the potential to rail feed Wellington material will increase. This railhead is regarded as an important piece of ancillary minerals infrastructure that enables the sustainable transportation of mineral by rail.

Shobdon Quarry: Shobdon Quarry is a sand and gravel quarry situated south of Shobdon Aerodrome. The site has permitted mineral reserve. However, the site is currently mothballed. A Review of Mineral Permission ref. 407218 and 407384 was approved on 21<sup>st</sup> July 2005. The site contains in the region of 900,000 tonnes of unworked sand and gravel reserves which remain of interest to Tarmac. In addition, land adjoining the permitted reserves to the east has been promoted by Tarmac for sand and gravel extraction.

Nash Scar Quarry: Nash Scar Quarry is a mothballed limestone and sandstone quarry situated off the B4362 approximately 2 kilometres south of Presteigne. The site has been mothballed since c. 1988. Planning permission was granted in 2011 (ref. DMN/102907/M) for the extension of time to submit and agree a restoration and aftercare scheme for the site. Although Tarmac do not currently intend to re-enter and work Nash Scar in the short-term, there remains potential to work the existing in situ reserves over the MWLP plan period.

The Sections below relate to the Local Aggregate Assessment (LAA) 2018 for Herefordshire and the Minerals and Waste Local Plan (MWLP) Draft Plan January 2019.

### **The Local Aggregate Assessment 2018**

#### **Sand and Gravel Supply**

Whilst there are 3 sites which contain permitted mineral reserve, there is only one active operation – Wellington Quarry. The annual sales data is reflective of the production/output from one quarry and should not be construed as a reflection of sand and gravel demand.

The Planning Practice Guidance identifies, 'Mineral Planning Authorities should also look at average sales over the last 3 years in particular to identify the general trend of demand as part of the consideration of whether it might be appropriate to increase supply' (Paragraph: 064 Reference ID: 27-064-20140306). 3 years average sales is back to prerecession sales levels and a strong indication of a trend of increased demand.

Herefordshire is a net importer of sand and gravel with up to 50% reliance on imports to meet demand. The majority of the imports are from Staffordshire and Worcestershire (LAA paragraph 3.11). Planning Authorities are under a duty to cooperate with each other on strategic matters that cross administrative boundaries (NPPF paragraph 24). 'Joint working should help...to determine whether development needs that cannot be met wholly within a particular Plan area could be met elsewhere' (NPPF paragraph 26). In order to comply with this duty to cooperate it is essential that the MPA is clear with neighbouring Authorities what the anticipated demand for sand and gravel is likely to be. The ability for the West Midlands Region to maintain current sand and gravel exports to adjacent Counties has the potential to be heavily influenced by aggregate demand required to meet delivery of HS2. This will require further discussion with other Authorities within the WMAWP area.

### Landbank

The Planning Practice Guidance states that, 'Landbanks of aggregate mineral reserves, or aggregate landbanks, are principally a monitoring tool to provide a mineral planning authority with early warning of possible disruption to the provision of an adequate and steady supply of land-won aggregates in their particular area (Paragraph: 080 Reference ID: 27-080-20140306). Whilst land banks are a useful monitoring tool, they should be treated with caution in circumstances where there are few active operations. Wellington Quarry only has planning permission to operate until 2027. Inactive sites cannot be restarted quickly and there is a cost and time implication for operators to reinstate the working. As such, there could be a potential time lag in being able to contribute resource to meet any increase/upturn in demand which would also affect the ability of an area to provide for a steady and adequate supply.

### Crushed Rock

Paragraph 4.9 is indicating that Herefordshire remains a significant importer of crushed rock. Crushed rock is imported to Herefordshire, primarily from Powys to the rail head at Wellington Quarry. However, a significant proportion of this crushed rock supply is transferred onwards to serve markets in the south east of England. The LAA needs to make clear the indigenous supply and the percentages exported again from the County. There is some discrepancy over the best methods for calculating the crushed rock land bank which should be agreed with the WMAWP. Particularly as aligned with the WMAMR, Herefordshire does not have sufficient landbank to meet the NPPF requirements of 10 years. As per comments on sand and gravel, if there is to be a reliance from outside the County it needs to be clear where this supply is coming from and ensure that it is being planned for accordingly.

### Forecast of Future Demand

The demand for aggregates section of the LAA forecasts sand and gravel demand assuming the current level of import. As per comments above on sand and gravel supply, this reliance can not be assumed as there is potential for significant supply constraints imposed by the construction of HS2. This will affect the Birmingham and Staffordshire areas primarily but this will limit their abilities to ensure continued supply to other Counties. In addition, the calculations review the

available landbank. Whilst this indicates that there may be sufficient permitted reserves to theoretically meet the 'adequate' supply of aggregate, the one active operation will cease operating during the Plan period. This limit to productive capacity, combined with a potential issue over the security of imports, affect the Counties ability to provide a 'steady' supply of aggregate as per the requirements of the NPPF at paragraph 207(a).

Paragraph 207(a) of the NPPF introduced the requirement for MPA's to plan for a steady and adequate supply of aggregates by, 'preparing an annual LAA, to forecast future demand, based on a rolling average of sales data and other relevant local information and an assessment of all supply options'.

Whilst it is correct to review historic sales, reliance on forecasting should not solely be placed on the average over 10 years as these sales figures are effectively a historic monitoring tool. What is helpful when reviewing the figures is looking at the level of sand and gravel provision during a period of economic growth. The LAA fails to consider published national guidelines such as those derived historically by the Regions. Whilst these figures have been discounted in recent years as they were much higher than average sales, they reflect a time of economic growth. The Mineral Products Association publishes sales volume statistics which are also indicating that in 2018, average aggregate sales grew nationally by 2.1%. Mortar sales, which continue to benefit from momentum in house building, accelerated in 2018, up 14.3% compared to 2017. Whilst levels of growth have been slower and are not back to precession levels, the national forecast is indicating a likely sustained period of growth and aggregate demand.

### Conclusion

Whilst it is accepted that it is difficult to predict the level of aggregate required to meet demand for housing, commercial and infrastructure development, the evidence is indicating a period of sustained growth/demand. In addition external factors (outside the County) may affect the security of aggregate supply to the County – particularly the impact of HS2 on the wider West Midlands. Currently it is not considered that the LAA is meeting the requirements of Paragraph 207(a) of the NPPF to plan for a steady and adequate supply of aggregates by, 'preparing an annual LAA, to forecast future demand. The evidence base to the Minerals Plan (including the LAA) needs to provide the justification for flexibility in Policy or to support planning applications to respond positively and quickly to upturns in demand.

## **Herefordshire Minerals and Waste Local Plan – Draft Plan – January 2019**

### Preamble and Context

We consider that the text within the Policy Context (Section 3.3 of the MWLP Draft Plan) is unsound in places. Paragraph 3.3.4 interprets NPPF emphasis on conserving important landscape and heritage assets but is unsound in its current form as it does not accurately reflect the national guidance within NPPF. NPPF paragraph 205 states that "mineral planning authorities should: (a) as far as practical provide for the maintenance of landbanks of non-energy minerals from outside National Parks...". Paragraph 3.3.4 of the MWLP Draft Plan states that the



NPPF requires landbanks for non-energy minerals be provided outside National Parks, Areas of Outstanding Natural Beauty, Scheduled Monuments and World Heritage Sites.

Paragraph 3.3.4 should be re-worded to fully reflect NPPF, incorporating text within NPPF paragraph 205a that “as far as practicable” MPAs should provide for the maintenance of landbanks of non-energy minerals from outside National Parks, Areas of Outstanding Natural Beauty, Scheduled Monuments and World Heritage Sites.

Paragraph 3.4.1 summarises the ‘Issues and Challenges’ within the MWLP and includes under ‘General’ (at the 17<sup>th</sup> bullet point) that the MWLP is “developing an approach to the protection of enhancement of the plan area’s important landscapes, and natural and heritage assets, including the two AONBs, numerous Conservation Areas, SSSIs, Special Areas of Conservation, Ramsar Sites, Special Protection Areas, SINCs, nature reserves and listed buildings and ground and surface water supply and quality; as well as the wide range of non-designated assets which are important for their own intrinsic value.”

The bullet point provides a comprehensive list of designated and undesignated features/assets to be considered in the development of the MWLP and in determining minerals and waste applications over the Plan period. However, the bullet point and wider paragraph 3.4.1 do not distinguish between designated and un-designated assets/features, nor does the wording recognise the hierarchy of importance of assets/features. No mention is afforded to the proportionate approach to be attributed to assets/features of varying degrees of significance. The current wording is contrary to NPPF paragraph 171 which states that plans should “distinguish between the hierarchy of international, national and locally designated sites.”

### Strategic Objectives

#### Strategic Objective 3

We consider that Objective 3 within Table 1 (paragraph 4.2.2) is not effective as it states that the MWLP aims to safeguard “appropriate mineral and waste resources within Herefordshire and the associated transport infrastructure for the future.” We consider that the currently wording, including the use of “appropriate minerals and waste resources” is ambiguous as to what is to be considered ‘appropriate’. We suggest the deletion of ‘appropriate’ and re-wording Objective 3 to state:

To safeguard appropriate mineral and waste resources, **ancillary operations (e.g. concrete batching plants, secondary aggregate recycling centres)**, and associated transport infrastructure.

#### Strategic Objective 6

We consider that Objective 6 is not consistent with NPPF paragraph 207. NPPF is clear that MPAs should “plan for a steady and adequate supply of aggregates” (our emphasis added). Objective 6 should be re-worded and “steady and sustainable” replaced with “steady and **adequate** supply...”.

### Spatial Strategy

The Draft MWLP recognises at paragraph 4.3.2 that mineral extraction can only take place where the mineral occurs. This recognition is welcomed by Tarmac, however, the spatial strategy for sand and gravel extraction in Herefordshire over the Plan period is set out with a sequential approach. As stated at paragraph 4.3.4, future sand and gravel workings are to be focused on Preferred Search Areas of limited scale located at four locations across the county.

Paragraph 4.3.4 states that this approach means “that a proliferation of minerals development across the county can be avoided.” We consider that at present the Spatial Strategy for sand and gravel extraction across the county over the Plan period is unsound.

In its current form, paragraph 4.3.4 implies that the objective of the spatial strategy is to restrict mineral extraction which is contrary to NPPF paragraphs 203 and 205 which give great weight to the benefits of mineral extraction and emphasise the essential need to ensure sufficient supply of minerals. Paragraph 203 also emphasises that minerals can only be worked where they are found.

As we emphasise in this letter, there is likely to be increased demand for sand and gravel sourced from within Herefordshire over the MWLP Plan period to meet local needs, particularly given the county’s reliance on sand and gravel imports from neighbouring counties. Imports of sand and gravel are likely to prove an unreliable source given large-scale infrastructure projects such as HS2. In addition to increased demand for sand and gravel for construction purposes across the wider West Midlands, projects such as HS2 will necessitate the use of significant volumes of sand and gravel; this will divert sand and gravel away from export to Herefordshire. Herefordshire will have a shortfall of sand and gravel over the Plan period and the spatial strategy should reflect the risk of a supply deficit through greater flexibility than is proposed within the Spatial Strategy of the MWLP Draft Plan.

Focusing future sand and gravel working to within preferred areas is not considered to be effective given the onus on the importance of mineral extraction and maintaining a steady and adequate supply of minerals in NPPF. National guidance that “as far as practicable” MPAs should provide for the maintenance of landbanks of non-energy minerals from outside National Parks, Areas of Outstanding Natural Beauty, Scheduled Monuments and World Heritage Sites is considered to be sufficiently robust and effective in ensuring that mineral extraction does not result in unacceptably adverse impacts on our landscape, heritage and nature conservation designations. The current Spatial Strategy is considered to be overly-restrictive on future sand and gravel extraction and is not consistent with NPPF.

### Chapter 5 – Strategic Policy and General Principles

#### Policy SD5: Site Reclamation

Policy SD5 is not considered to be effective in its current form as it requires site reclamation schemes to include “(b) proposals that deliver landscape scale benefits and/or integrated green infrastructure appropriate to its location”. At present, bullet point (b) requires proposals to deliver ‘landscape-scale benefits’ which is not considered to be an effective basis for such a policy

as it may not be practical for all sites to delivery benefits on such a significant scale. We suggest the following re-wording to make the Policy application of the Policy effective:

“(b) proposals that deliver landscape scale benefits and/or integrated green infrastructure **when and where practical and** appropriate to its location.”

## Chapter 6 – Minerals

### Policy M1: Minerals Strategy

We support elements of Policy M1, including the identification of mineral resources and infrastructure and their safeguarding from proximal and direct sterilisation by non-minerals / built development (point g.) However, the thrust of the Policy as it is currently worded should be revised to better reflect the importance of mineral development, in particular the winning and working of primary mineral resources.

Points a and b of Policy M1 support the use of alternatives to primary mineral resources and the use of recycled materials in development projects where appropriate. We consider that as Policy M1 is the main Minerals Strategy which outlines the overall approach of the MWLP to minerals development over the Plan period, Policy M1 should be re-worded in order to be effective and more consistent with NPPF. At present the Policy does not include fully reflect the importance of primary mineral extraction and the essential need to ensure a sufficient supply of minerals to provide the infrastructure, buildings, energy and goods that the country needs, as set out in NPPF paragraph 203. The importance of recycled materials is acknowledged, however recycled materials will not fully replace primary materials as a reliable source over the Plan period. Policy M1 should reflect this.

### Policy M2: Safeguarding of Mineral Resources from Sterilisation

The NPPF (paragraph 204c) states that planning policies should, ‘safeguard mineral resources by defining Mineral Safeguarding Areas; and adopt appropriate policies so that known locations of specific minerals resources of local and national importance are not sterilised by non-mineral development where this should be avoided’. This includes setting out policies for, ‘prior extraction of minerals, where practical and environmentally feasible, if it is necessary for non-mineral development to take place’ (paragraph 204d) as well as safeguarding existing, planned and potential sites for the bulk transport, handling and processing of minerals, the manufacture of concrete and concrete products and the handling, processing and distribution of substitute, recycled and secondary aggregate material’ (paragraph 204e).

Currently Policy M2 only refers to safeguarding of mineral resources and does not refer to ‘ancillary infrastructure’ as required by paragraph 204e of the NPPF. The policy is therefore unsound and should be amended.

The Planning Practice Guidance provides additional guidance on minerals safeguarding which includes defining Mineral Consultation Areas. Whilst it is right to include the geological resource area as a base within the Plan, there is concern that safeguarding maps on such a large scale dilute the significance and importance of safeguarding. They also become an ineffective tool in decision making as a very large number of planning applications would automatically be caught by the defined safeguarding areas and under the requirements of paragraph 6.1.14 would have

to produce a Mineral Resource Assessment. Given the small number of active sites within the County (including proposed allocations within the Plan) and the national importance of the railhead at Moreton-on-Lugg a more effective strategy would be for the Council to adopt Mineral Consultation Areas as part of the Plan.

The Plan should also include reference to the 'Agent of Change' principle as per paragraph 182 of the NPPF when considering safeguarding. This principle places the onus on new development in proximity to an existing business to demonstrate that there would not be adverse impact and provide mitigation as appropriate. This is applicable to the potential for impact upon active mineral operations as well as ancillary mineral development/infrastructure.

#### Policy M3: The winning and working of sand and gravel

Policy M3 is unsound as it is not positively prepared, an effective strategy or compliant with the NPPF in planning for a steady and adequate supply of aggregates.

In order to ensure flexibility in the Plan, it should not set a maximum provision figure. As advocated under comments on the Local Aggregate Assessment, there is concern that the Mineral Planning Authority will be unable to meet anticipated demand without the reliance on imports from adjoining Counties. In addition, the current 'forecast' of need contained within the LAA is based on historic sales from a single active working with planning permission to work until 2027. The Policy should be re-worded positively to ensure the Plan provides 'at least' 4.5 million tonnes of sand and gravel over the Plan period. This removes the requirement for 'additional provision' and a 'mid-term review'. The LAA will be the evidence base document, reviewed annually, which indicates whether there is likely to be an increase in demand over the Plan period in accordance with paragraph 207a of the NPPF.

The Planning Practice Guidance (paragraph: 080 Reference ID: 27-080-20140306) identifies that landbanks are, 'principally a monitoring tool to provide a mineral planning authority with early warning of possible disruption to the provision of an adequate and steady supply of land-won aggregates in their particular area'. The landbank in Herefordshire is based upon substantial reserves being tied to inactive operations. When reviewing the ability of the Plan area to meet anticipated demand and provide a 'steady and adequate' supply of aggregate, it is important that the distinction between active sites and inactive sites is made. Principally as it takes time and significant cost to turn an inactive site to a production unit. It is not possible to 'turn on' supply quickly. As a result, the requirement of the policy to maintaining an adequate landbank should be removed.

Considering comments above, the policy should be re-worded as follows:

- 1. The Plan will make provision for at least 4.5 million tonnes of sand and gravel. The Plan will maintain a landbank of at least 7 years and enhance productive capacity in the County to ensure that a steady and adequate supply of sand and gravel is provided based on a forecast of future demand contained within an annual Local Aggregate Assessment.*
- 2. In order of preference, sand and gravel extraction shall be permitted at the following locations:*

- A. *Allocated sites:*
  - *Upper Lyde Quarry*
  - *Shobdon Quarry*
  - *Wellington Quarry*
- B. *Designated Preferred Areas*
  - *Area B of the Key Diagram*
  - *Area C of the Key Diagram*
- C. *Other areas of search to maintain an adequate landbank and enhance production capacity where there is a demonstrated need*

Policy M4: The winning and working of crushed rock (limestone)

As with Policy M3, we submit that Policy M4 is unsound as it is not positively prepared, an effective strategy or compliant with the NPPF.

In order to ensure flexibility in the Plan, it should not set a maximum provision figure for ‘total provision of crushed rock over the plan period’. As advocated under comments on the Local Aggregate Assessment and acknowledged in paragraphs 6.2.8 – 6.2.11 of the MWLP Draft, there is concern that the MPA will be unable to meet anticipated demand over the Plan period. British Geological Survey data for 2014 indicates that Herefordshire is only 20% to 30% self-sufficient in crushed rock provision, prior to the extant permission for Leinthall Quarry requiring the cessation of winning and working of minerals at the site by 31<sup>st</sup> August 2027.

Given the concerns surrounding provision of a steady and adequate supply over the Plan period as required by NPPF, Policy M4 should be re-worded positively to ensure the Plan provides ‘at least’ 7.5 million tonnes of crushed rock over the Plan period. This removes the requirement for ‘additional provision’ and a ‘mid-term review’. The LAA will be the evidence base document, reviewed annually, which indicates whether there is likely to be an increase in demand over the Plan period in accordance with paragraph 207a of the NPPF.

Considering comments above, the policy should be re-worded as follows:

1. *The Plan will make provision for at least 7.5 million tonnes of crushed rock. The Plan will maintain a landbank of at least 10 years and enhance productive capacity in the County to ensure that a steady and adequate supply of crushed rock is provided based on a forecast of future demand contained within an annual Local Aggregate Assessment.*
2. *In order of preference, crushed rock extraction shall be permitted at the following locations:*
  - A. *Allocated sites:*
    - *Leinthall Quarry*
    - *Perton Quarry*
  - B. *Designated Preferred Areas*
    - *Area A of the Key Diagram*
    - *Area D of the Key Diagram*
  - C. *Other areas of search to maintain an adequate landbank and enhance production capacity where there is a demonstrated need*

## Chapter 8 - Delivery, Implementation and Monitoring

### Delivery

It should be made clear in paragraph 8.1.3 that the use of planning obligations will, 'only be used where it is not possible to address unacceptable impacts through a planning condition' as required by paragraph 54 of the NPPF.

### Table 3

Policies for the working of minerals should refer to the Local Aggregate Assessment as an indicator used to monitor the effectiveness of the Plan strategy.

### **Allocated Sites and Key Development Criteria**

#### **Shobdon Quarry**

The redline boundary for Shobdon Quarry shows the permitted working area. In addition to this, Tarmac have promoted additional land to the east for mineral extraction. The strategy within the emerging Minerals and Waste Local Plan is advocating Shobdon as the preferred area for mineral extraction. The extension area should therefore be included within the Plan. Extending Shobdon Quarry would ensure the long-term sustained supply of aggregate.

#### Key Development Criteria

##### Shobdon Airfield

The Shobdon Airfield criteria requires any planning application to, 'demonstrate no unacceptable adverse impact on current or likely future operations at Shobdon Airfield'. In addition to ensuring that the minerals development does not give rise to adverse impact on adjacent land uses. Reference is made to paragraph 182 of the NPPF and the 'agent of change' principle. The importance of safeguarding the mineral resource and active mineral workings are also offered significant weight within the NPPF. Tarmac have made numerous representations to the Shobdon Neighbourhood Plan consultations having regard to potential development opportunities at Shobdon Airfield (Policy S1) and would seek to ensure a more balanced development criteria supporting mineral extraction and safeguarding resource in addition to ensuring that development does not give rise to adverse impact upon adjacent land uses. The use of Mineral Consultation Areas may address this issue as per our comments above under Policy M2.

#### Phased working

The reference to 'proliferation of mineral working infrastructure will not be permitted' is not considered justified/reasonable. The requirements of the operation will justify the extent/amount of infrastructure required. Any planning application will be accompanied by

plans/drawing as well as environmental assessment as necessary. Each application will need to be judged on its merits and therefore it is considered that this criteria should be removed.

### Green Infrastructure

The green infrastructure criteria seeks to ensure that restoration schemes 'deliver objectives for green infrastructure protection and enhancement'. These should take account of the wider Herefordshire Green Infrastructure Strategy. Whilst the policy can encourage protection and enhancement where opportunities exist they should not be categoric. In order to ensure the delivery of mineral sites, the operators need to balance the aspirations of the Minerals Planning Authority with the long term aspirations of the landowner. There needs to be an element of flexibility. The criteria should therefore, 'seek opportunities' for green infrastructure enhancement.

### **Wellington Quarry**

#### Key Development Criteria

##### Housing and Wellington Primary School

The Plan for Wellington Quarry is showing further extension areas to the south of the Quarry. This is effectively moving mineral extraction further from the village of Wellington and thereby lessening any potential for impact upon housing in Wellington and the Primary School. As a result, the housing criteria should qualify that assessment is relating to residential property in Moreton on Lugg and the Wellington Primary School criteria should be removed.

##### Road Network

Further mineral extraction to the south is unlikely to involve the relocation of the site access or the movement of plant. Wellington Quarry does not have an output restriction on the plant or the number of HGV movements. As a result, any future planning application may be required to be accompanied by a Transport Statement and a full Transport Assessment may not be required.

##### Green Infrastructure

Comments on green infrastructure protection and enhancement are outlined above in regards to Shobdon Quarry.

##### Phased Working

Comments regarding the 'proliferation of ancillary infrastructure are the same as those provided above in relation to Shobdon Quarry.

## **Conclusions**

I trust that these comments are helpful. Should you wish to discuss in more detail, please do not hesitate to contact us.

Kind regards,

Jenna Conway  
**Heatons**





*Incorporating*

**DART** ENERGY

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Dear Sir/Madam

**RE: Public Consultation – Draft Herefordshire Minerals and Waste Local Plan January 2019**

IGas Energy PLC (IGas) would like to take the opportunity comment on the draft Herefordshire Minerals and Waste Local Plan (the Plan).

**Summary**

- The draft Plan fails to recognise the roles and responsibilities of other regulators for the purposes of unconventional hydrocarbons (Environment Agency [EA], Oil and Gas Authority [OGA] and Health and Safety Executive [HSE]).
- The draft Plan fails to take into account the support of the National Policy Framework (NPPF), the Written Ministerial Statement of 17 May 2018 Energy Policy and Planning Policy Guidance (PPG) for the exploration, appraisal and production of onshore oil and gas by introducing unnecessarily restrictive policies and criterion thereby making the draft Plan in its current form unsound.
- A review of the policies and supporting text in relation to hydrocarbons and appropriate amendments as set out below would make the draft Plan sound.

**Background**

IGas is a British company listed on the Alternative Investment Market of the London Stock Exchange. It is a leading UK onshore oil and gas exploration and production business, holding a portfolio of production and exploration assets primarily focused on three regions: the North West, East Midlands and the Weald Basin in Southern England.

Through the UK onshore licensing regime, IGas has made commitments to Government to explore whether hydrocarbons exist within the licence areas and establish if the UK has a viable onshore oil and gas resource.

IGas holds a number of onshore UK licence interests in three regions, many of which it both owns and operates. IGas supports the process of local plan considerations; it would like to ensure that any proposed plan with respect to onshore oil and gas is sound, and meets with

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**IGas Energy Group Comprises**

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the criteria and policies outlined by Government in the National Planning Policy Framework (NPPF), Planning Practice Guidance and related Written Ministerial Statement(s) (WMS). Whilst it is noted in Paragraph 2.1.6 that the plan has (rightly) taken into account the National Planning Policy Framework and Planning Practice Guidance, no reference is made to the WMSs.

In particular, any policy framework which serves to significantly impede or prevent such development in areas where minerals are found and have been licensed by the Government for hydrocarbon development, would be contrary to national policy unless there is strong evidential justification.

The planning process for onshore oil and gas is one of five regulatory processes that are required under the current policy framework set by government. It is considered, that the proposed plan should reference each regulatory function and identify those areas, which fall outside of the planning process. Paragraph 183 of the NPPF states: "*The focus of planning policies and decisions should be on whether proposed development is an acceptable use of land, rather than the control of processes or emissions (where these are subject to separate pollution control regimes). Planning decisions should assume that these regimes would operate effectively. Equally, where a planning decision has been made on a particular development, the planning issues should not be revisited through the permitting regimes operated by pollution control authorities*". Paragraphs 012 and 112 of Planning Policy Guidance – Minerals make clear that planning authorities are not responsible for matters covered by other regulatory regimes. Paragraph 112 states, mineral planning authorities, "*should assume that these regimes will operate effectively. Whilst these issues may be put before mineral planning authorities, they should not need to carry out their own assessment as they can rely on the assessment of other regulatory bodies.*" This planning policy principle has been re-confirmed in a number of legal cases (Frack Free Balcombe Residents Association v West Sussex CC 2014).

## **IGas comments on the draft Plan.**

### **2. Introduction and Background**

IGas notes there are currently no PEDLs in Herefordshire or adjoining authorities and therefore no hydrocarbon development proposals could be brought forward at this moment in time. It also notes historically only two conventional oil and gas wells have been drilled (1967 and 1993), both of which have been plugged and abandoned due to their failure to discover hydrocarbons. Whilst a small block of land was offered in December 2015 for onshore hydrocarbon exploration in relation to coalbed methane, the offer was declined. Whilst there may be a further round of onshore licences, which could include Herefordshire and/or adjoining authorities due to the geological presence of coal and shale, there is no timetable for such.

Paragraph 2.2.2 refers to gas extraction; this should be changed to hydrocarbon to be consistent with 'hydrocarbons' referred to in paragraph 2.3.3 and which it should be made clear are used to make energy and can contribute in the transition to towards a low carbon economy.

### 3. Context

IGas notes the reliance the County Council places on the geological advice of the British Geological Survey (BGS) that the shale geology in Herefordshire is unlikely to make oil and gas exploration viable and activities relating to the exploration and extraction of hydrocarbons in Herefordshire are not expected in the short term (paragraph 3.1.6). This view is repeated in paragraph 6.1.6.

Given the BGS's advice, should the Oil and Gas Authority (OGA) offer any further round of licences, it is unlikely any PEDL would be offered that would extend over parts or the whole of Herefordshire or adjoining authorities. Further, whilst recognising in the medium to long term the situation may change, paragraph 3.1.8 states that current policy in minimising carbon emissions considers future interest or activities to be unlikely.

It is therefore questionable whether there is a need for Policy M7 and supporting text to be included in the plan at all. However, the very presence of the mineral is considered sufficient justification for the policy to provide for the potential opportunity of working hydrocarbons in the future if circumstances change. Further, current national planning policy strongly supports the opportunity to explore, appraise and produce unconventional hydrocarbons; the Plan should recognise this when saying energy of this nature does not fit easily with the climate change aspirations of the Core Strategy. Conversely, it is clear that the use of unconventional hydrocarbons could make a significant contribution towards the transition to carbon reductions and climate change as a clean energy and which could assist in reducing reliance on imports.

#### Section 3.3 Policy Context

Paragraph 3.3.1 refers to the NPPF and minerals of local and national importance that are in Herefordshire including gas. However, the section does not refer to the Written Ministerial Statement (WMS, 19 May 2018) relating to hydrocarbons or the importance and weight to be attached to hydrocarbon development, particularly as a specific policy (M7) relating to such is proposed irrespective of the likelihood of any development coming forward (paragraph 3.1.6 above).

In accordance with the WMS, the Plan should recognise that hydrocarbons will still be required, will continue to make a major contribution towards climate change and the transition to a low carbon economy and therefore policies must be prepared in line with national policy to make the plan sound. Failure to recognise this renders the Plan unsound.

#### Section 3.4 – Issues and Challenges:

##### Minerals

It would help if the bullet points were numbered. The fifth bullet point:

- *Considering how to address the potential positive and negative impacts of exploiting unconventional hydrocarbon resources such as shale gas as well as planning for conventional forms of energy minerals.*

The principle of this bullet point should apply to all mineral development, including unconventional hydrocarbons. It is the only bullet point to '*consider how to address*' the potential positive and negative impacts, and, unreasonably, only refers to unconventional hydrocarbons. None of the other bullet points requires the potential positive and negative impacts associated with the mining of other minerals to be considered. The mining of other minerals could be significantly larger in scale and generate impacts associated with noise, dust, visual impact, lighting, and vehicle movements etc. over a much longer period. If the bullet point is to be retained, it should relate to unconventional hydrocarbons and either exclude shale gas, or include shale gas and coal bed methane given the principle of development is common to both. It is not clear what '*planning for conventional forms of energy minerals*' means; if it is coal, it should say so.

#### **4.1 Vision**

IGas supports the supporting text to the vision that minerals are an important asset to the County, that they should be used sustainably and to their full potential (paragraph 4.4.1). That importance extends regionally and in the case of hydrocarbons, nationally, in that they contribute to a secure source of energy supply and to climate change in the transition to a low carbon economy. IGas considers the supporting text to the vision should refer to this.

#### **4.2 Strategic objectives**

IGas generally supports the proposed objectives of the Plan.

##### **Social Progress: Objective 1**

The objective could be considered overly ambitious to enable minerals and waste developments to '*make an appropriate contribution to improve health, well being....*'. A more realistic approach would be to minimise the impacts '*through best practice operations....*'

##### **Economic Prosperity: Objective 6**

This objective should recognise the contribution energy minerals make to ensuring a secure source of energy supply and to climate change in the transition to a low carbon economy.

##### **Objective 11**

Objective 11 should be clear that it is only the impact of the development itself on climate change that needs to be considered and should recognise the national commitment to maintain and enhance energy security in the UK.

#### **4.3 Spatial Strategy**

Paragraph 4.3.6 states there is little evidence to suggest coal or gas will be exploited over the plan period as referred to in paragraph 3.1.8. However, the very presence of the mineral justifies the need to provide for the opportunity of working it and IGas supports the approach. It is considered reference to gas should be changed to hydrocarbons.

## **5. Strategic Policy and General Principles**

### **5.1 Principles**

Paragraph 5.1.4 refers to an Environmental Permit but no greater explanation of a Permit is provided, not even in the Glossary. It would be helpful for the role of other regulatory bodies be explained; particularly the Environment Agency (EA) which is responsible for Environmental Permits, but also the Health and Safety Executive (HSE) and for the purposes of hydrocarbons, the Oil and Gas Authority (OGA).

### **5.2 Sustainable Development – Core Strategy policy SS1**

5.2.1 Social and economic should recognise the contribution of energy.

5.2.7 *'Positive consideration shall be given to development proposals that demonstrably take account of a local community's response'*. This statement fails to recognise that positive consideration could be given to development proposals that demonstrably comply with national policy and guidance irrespective of community response. This sentence should be removed.

## **6. Minerals**

As stated above in respect of Section 3, notwithstanding the likelihood of licences being issued and unconventional hydrocarbons being extracted within the plan period, it is essential the contribution minerals of this nature can make towards the transition to a low carbon economy and climate change is recognised. The strategy therefore is generally supported. However, it is considered M1 d. is inconsistent with other parts of Policy M1. Development proposals for unconventional hydrocarbons should be considered against the same criteria as any other minerals and should not be separated out in the way proposed. This bullet point could result in restrictive criteria contrary to national policy and guidance and should be removed.

### **6.5 Unconventional Hydrocarbons**

The description of the three main phases of onshore hydrocarbon development is generally supported, although there appears to be inconsistency in reference to hydrocarbons, unconventional hydrocarbons, an absence of reference to conventional hydrocarbons, but the inclusion of oil in 'appraisal'; this should be addressed.

Paragraph 6.5.5 sets out the criteria against which best practice will be considered; it would help if the criterion were to be numbered. The NPPF is clear that the planning process should rely on other regulatory bodies, for the purposes of hydrocarbons; this is the EA, the HSE and the OGA. In this respect, fugitive emissions are a matter for the EA; availability of water will be on a site-by-site basis and regulated by the EA or water suppliers; waste management plans are a matter for the EA through their permitting process. These should not be priority-planning matters and, along with paragraph 6.5.6, make the plan unsound.

Paragraph 6.5.7 refers to the United Kingdom Onshore Oil and Gas Group (UKOOG) Charter for community engagement and requires all applicants (for hydrocarbon developments), whether a member or not of UKOOG, to comply with such. This is unreasonable. The Charter does not form part of the Development Plan nor can it be a

criterion for the validation of a planning application. Whilst it is likely, the industry would comply with the Charter irrespective of being a member of UKOOG or not, if the minerals planning authority require engagement with local communities, this must be in accordance with their own Statement of Community Consultation and planning application validation list.

### **Policy M7: Unconventional Hydrocarbons**

1.a. Whilst the commitment to permit exploration, appraisal and production of unconventional hydrocarbons, including through the use of hydraulic fracturing is welcome, there should be no need for a developer to have to demonstrate the contribution they could make at the exploration or appraisal stages. National policy and the WMS are clear about the contribution hydrocarbons can make towards energy supply, the transition to a low carbon economy and climate change. The policy as worded makes the Plan unsound.

1.b. There are many existing hydrocarbon developments falling within designated sensitive areas such as AONBs. Provision for hydrocarbon developments not involving hydraulic fracturing underneath or in close proximity to designated areas, assets and habits, subject to special care being taken to avoid harming such areas, should be made.

2.a. Off site management or disposal of waste is a matter for the EA. The last sentence should be removed.

2.b. Matters relating to reinjection of returned water via an existing borehole and protection of ground and surface waters are matters for the EA permitting process. Matters relating to seismicity are a matter for the OGA and the EA where they may affect groundwater.

Planning permission is only one stage of securing consent to drill a borehole. Authorities must assume that the other regulatory bodies (EA, OGA, and HSE) operate as intended. National guidance is very clear that issues covered by other regulators should not be addressed by the planning process (Para 183 of the NPPF).

3.a. i. As above, the decommissioning of wells is a matter for the OGA, HSE and the EA.

3.b. The possible requirement for a financial guarantee that 'may' be required is considered unnecessary. Planning authorities can impose conditions to ensure the satisfactory restoration and aftercare of a site and have a number of enforcement options available to ensure compliance with such and the need for any financial guarantee must be determined on a case-by-case basis.

### **Conclusion**

In conclusion, whilst generally the objectives and policies of the draft Plan are supported, it is considered there are elements that make the Plan unsound. The Plan fails to recognise the roles and responsibilities of other regulators for the purposes of unconventional hydrocarbons (EA, OGA and HSE). It also fails to take into account the support of national policy, the WMS and guidance for the exploration, appraisal and production of onshore oil and gas by introducing unnecessarily restrictive policies and criterion.



IGas is of the view that a review of the policies and supporting text in relation to hydrocarbons and with appropriate amendments could make the draft Plan sound. We trust the above comments are helpful and look forward to engaging with you further during the development of this plan.

Yours faithfully

Stephen Bowler  
CEO





### **Draft Minerals and Waste Plan Consultation Jan – March 2019**

We would like to know what you think of the draft plan. Your views will help to shape the pre-submission draft, which will be sent for independent examination.

Please read the draft plan and accompanying background documents before answering the following questions:

1. Do you consider that the evidence gathered to underpin the Draft Minerals & Waste Local Plan is sufficiently comprehensive?

No

If no, please explain why

The Council's Minerals and Waste planning policies are out of date. They were adopted in the Unitary Development Plan in 2007 and when they were re-drafted for the 2015 Local Plan Core Strategy Public Enquiry they were found to be unsound. This current draft of a new Minerals and Waste Local Plan takes account of many of the shortcomings identified at the Public Enquiry, but some shortcomings remain, such as:

- (1) re the Duty to Co-operate : no meetings since Autumn 2017 of the West Midlands technical advisory group or aggregates working party have taken place;
- (2) re the Nutrient Management Plan : still no dashboard from the Environment Agency;
- (3) re Strategic Flood Risk Assessment : no update since 2015 despite it being promised for 2018;
- (4) re Biodiversity: out of date records are still being used, such as the LDF framework 'Building Diversity...' 2009, and the County Ecological Network Map, 2013.
- (5) No reference to Neighbourhood Development Plans which include Minerals and Waste recommendations.

2. The Draft Minerals & Waste Local Plan's vision (in section 4) is focussed on achieving sustainable development through: the efficient use of minerals; the minimisation and effective use of wastes; and enabling self-sufficiency and resilience. Do you consider this to be an appropriate, yet deliverable approach?

No

If no, please explain why

These draft policies have been designed to accommodate an adopted Core Strategy which is now out of date. The policies enable the destruction of Key Green Infrastructure Assets with devastating effects on the biosphere. The vision should encompass growth commensurate with population growth forecasts, rather than with the Core Strategy housing trajectory which, with the benefit of hindsight, should never have been endorsed. The Core Strategy should be scaled down, and grandiose claims for it should be abandoned. Herefordshire is unlikely to be a destination chosen for a nationally significant infrastructure project, as pointed out in the Issue and Options MWLP paper of August 2017, (Cl. 5.8.3).

Suggestions in, for example, various of the Council's Consultations on the Hereford Transport Package, that road building in Herefordshire could qualify for NSIP status, are another example of the Council's grandiose claims which are not based in reality.

3. Evidence shows that there will be a need for additional sand and gravel reserves to be permitted over the lifetime of the Minerals & Waste Local Plan. Do you consider the policy approach of 3 allocated sites, 2 preferred areas of search and other areas of search to be appropriate? (Policy M3)

No

If no, please explain why

The calculation of 4.5 million tonnes sand and gravel provision up to 2031 is out of date – see answer to Q 2 above. The wording in the policy should be amended so that in line 1 the wording 'will be 4.5 million tonnes' are deleted and replaced with 'is likely to be in the region of 4 million tonnes, subject to calculations revisited through a mid-term review'. The wording in the second sentence 'through a mid-term review' should be deleted.

4. Seeking to increase levels of self-sufficiency and to make a contribution to the Managed Aggregates Supply System of crushed rock (limestone), Policy M4 sets out where new permissions for its extraction shall be permitted (2 allocated sites, 2 areas of search and other areas of search). Do you consider this to be an appropriate approach?

No

If no, please explain why

The calculation of 7.5 million tonnes crushed rock provision up to 2031 is out of date – see answer to Q 2 above. The wording in the policy should be amended so that in line 1 the wording 'will be 7.5 million tonnes' are deleted and replaced with 'is likely to be in the region of 6.5 million tonnes, subject to calculations revisited through a mid-term review'. The wording in the second sentence 'through a mid-term review' should be deleted.

5. The waste strategy (Policy W1) seeks to see Herefordshire reduce its wastes produced, re-use, recycle and recover energy more and decrease the amounts going for disposal. Do you consider this and the subsequent policies on waste management development are suitable and deliverable?

No

If no, please explain why

The questionnaire fails to mention the policies on waste management that PRECEDE the policies in the Waste Strategy section of the MWLP draft. It is deceptive to conceal the Policy M7 section on Unconventional Hydrocarbons in this way. Whereas the 'Preparing the Draft Plan Report, November 2018' acknowledges the strength of feeling within the County that opposes the use of hydraulic fracturing, nevertheless Policy M7 simply lists the way in which hydraulic fracturing may go ahead. The first sentence in Section 1 (c) of that Policy should be re-written to read as follows:-

'Sub-surface proposals underneath the designations referred to above will NOT be permitted UNTIL it can be demonstrated that material harm to the designated asset will not occur.'

With regard to Policy SS8 : Resource Management, (another section that PRECEDES the policies in the Waste Strategy section) the wording in the first sentence should be amended to include the word 'specifically' between the words 'will be' and 'directed'. The reference here to climate change is welcome. In that same Policy SS8, # 2, the emphasis on a Resource Audit is also welcome.

6. The draft Minerals & Waste Local Plan has been prepared flexibly, to enable appropriate development to occur within the context of local and national changes in circumstances, and will undergo 5-yearly reviews. Do you consider this is an appropriate and considered approach to minerals and waste management provision over the plan period (up to 2031)?

No

If no, please explain why

While the flexibility of the policies in the draft MWLP is welcome, there is no over-riding ambition to deliver the holy grail of sustainable development – that which meets the needs of the present without compromising the ability of future generations to meet their own needs. The Plan is designed to cover ten years of infrastructure development that result in environmental degradation, loss of biodiversity and increase in climate changing emissions. As Toni Fagan notes in her letter published in the Hereford Times, 21 February 2019, “scientists are telling our policy makers to act as if we have an emergency ... a Climate Emergency ... we need to change course”. One way of doing this, in an incremental way, will be to scale down the growth plans for Herefordshire, and adjust the MWLP accordingly.

7. Do you have any other comments on the draft Minerals & Waste Local Plan, its evidence base, or its soundness?

Yes`                      No                      .

If no, please explain why (Use continuation box on page 4 if necessary)

1). The Draft Plan is based on a totally outdated Core Strategy, due for review this year. In our opinion the Draft Mineral and Waste Plan should not be approved or ratified, and iterations of consultants reports on sustainability of operations are a complete waste of public money, before the Core Strategy is updated.

The Core Strategy is completely outdated by our better understanding of environmental impacts associated with roadbuilding, traffic pollution, increased severe weather events, flood management and housing need, reflected in new planning policy:

- a. There is no consideration of the impact of building materials application, only extraction
- b. The Core Strategy infrastructure designs are not essential and poorly justified
- c. Climate Change issues are not considered for location of Core Strategy development sites
- d. This Plan enables increased vehicle emissions from expanded road capacity
- e. It fails to reduce mineral extraction for infrastructure using modern planning i.e. optionality
- f. Lower National housebuilding requirements for Council Plans should be incorporated
- g. Reducing carbon footprint of activities of Local Government, should include roadbuilding
- h. Complete lack of protection for Key Green Infrastructure Assets in the Core Strategy

2). The Draft Mineral and Waste Plan is sadly deficient in many areas:

- a. There is no consideration of the fossil fuel impacts from construction and transport in it
- b. The draft plan still lacks any analysis of the Strategic Flood Risk Assessment
- c. The Plan is hardly sustainable given minerals extraction rates are x2.5 the National average of 4.6 tonnes per household and all Herefordshire's crushed rock reserves are exhausted

- d. The Current Strategic Flood Management Plan, in the Core Strategy, excludes the impact of building major new housing estates and industrial sites on floodplains
- e. The protection of Key Green Infrastructure Assets is ignored in Core Strategy transport infrastructure plans
- f. The Sustainability Appraisal concludes in para 2.17 No significant negative effects were identified by consultants for any of the strategic objectives. This is both misleading and incorrect, see comments below

Failing in 8 of its 12 key objectives

1. To enable minerals and waste development to make an appropriate contribution to improve the health, well-being and quality of life of residents, through best practice operations, open space provision, educational and cultural information, green infrastructure and delivery of strategic, landscape scale site reclamation.

Health wellbeing and quality of life is no longer enhanced through enabling great traffic volumes to travel our roads. It is a well-known fact that bigger roads attract greater traffic especially when urban expansion accompanies developments. That traffic produces more emissions harmful to human health and reducing biodiversity. The plan enables the destruction of Key Green Infrastructure Assets and fails to reduce our impact on the biosphere. FAILED

2. To prioritise the long-term conservation of primary minerals through enabling provision of sustainable alternatives, effective use of mineral reserves, and promoting efficient use of minerals in new development.

The proposed extraction rates must rise sharply to meet projected demand to such an extent that two of the quarries will be exhausted and another requires substantial expansion. Building materials must be transported over longer distances to satisfy this unsustainable growth rate.

How can that outcome be a result of long-term conservation of primary minerals? FAILED

3. To safeguard appropriate mineral and waste resources within Herefordshire and the associated transport infrastructure for the future.

Bulk materials for construction are most efficiently transported by rail or pipeline, not roads. Scale of production and proximity to development are the key factors for economic mineral extraction. Building larger roads enables greater transportation of resources hence more extraction, not conservation. The roadbuilding proposed and resultant extraction of natural resources is a backward development, like the Hereford to Gloucester canal, it will be redundant before it is completed. FAILED

4. To optimise the contribution that mineral working and waste management makes to Herefordshire's economy as land-based industries, balanced with effective protection of people, places and businesses from adverse impacts.

The accelerated extraction of building materials will bring a short-term benefit to the quarry operators and land owners while the ten-year infrastructure development results in environmental degradation, loss of biodiversity and increase in climate changing emissions. Hardly a long-term economic benefit to society, this is the very essence of the current global lobby by the younger generation to plan sustainable future. FAILED

5. To reduce the need to travel and lessen the harmful impacts from traffic growth, promoting the use of alternatives to road transport and ensuring that new development is served by suitable transport networks. You must be joking, extract resources to double road capacity for a 25% increase in car dependent City households and claim it reduces traffic emissions? There are no plans in this County to improve public transport like buses, trams, trains or pollution free car sharing. FAILED

6. To achieve sustainable communities and protect the environment by delivering well-designed and well-operated minerals and waste development that use land efficiently, reinforce local distinctiveness, and are supported by the necessary infrastructure, including green infrastructure. The current Mineral and waste Extraction plan is for a Core Strategy that uses high grade arable land on a floodplain, surrounding a conservation area, over previously identified gravel mineral resources for Housing estates. That is hardly supporting our green infrastructure or best use of our productive farmland. FAILED

7. To address the causes and impacts of climate change relating to minerals and waste development activity, including using opportunities arising from minerals and waste operations and reclamation activity to mitigate and adapt to climate change and to leave a positive legacy. With no assessment in the sustainability analysis of the Transport emissions from extractive

industries, this draft is both inadequate and misleading. No attempt has been made to apply this National policy to the planning process. FAILED

8. To conserve, promote, utilise and enjoy our natural, built, heritage and cultural assets for the fullest benefits to the whole community, by safeguarding the county's current stock of valued heritage and significant environmental assets from loss and damage, reversing negative trends, ensuring best condition and site betterment, as well as appropriately managing future assets. Clearly this is the last and the least important policy in the plan given that this MWDP plan enables the destruction of Heritage assets by road building through historic parklands, loss of biodiversity through pollution over the River Wye SAC, enhances negative trends of carbon emissions and loss of habitat while exhausting natural resources at unsustainable rates. FAILED  
The Minerals and Waste Plan will enable Herefordshire Council to follow its outdated Core Strategy which cause harm in the three areas identified in Section 5.2.3

1. Social – for example through disrupting access to the countryside or creating a poor-quality built environment;

The original road infrastructure project objectives for the SWTP were to increase social mobility of the most deprived areas in Hereford but these objectives were dropped. There are no planned improvements to public transport and the air pollution will be higher from much more traffic. The city of Hereford will suffer seven years 2020-2027 of disruption of access to the countryside from road construction to the West if this Mineral Extraction Plan is approved. The resulting infrastructure will be a poor quality 1970's style road for an urban expansion of car dependent housing, misleadingly promoted as a bypass.

2. economic – for example affecting two of Herefordshire's key industries tourism and agriculture through development in the wrong place; and

This Plan will facilitate the development of inappropriate infrastructure, causing a major adverse impact on the Community of Belmont Abbey and the potential County Museum site at Belmont House. It will result in better access for the minority (3.3%) of traffic which is heavy industrial transport but will reduce the tourist attraction of the region adding noise and pollution to a pristine environment. Two of Hereford's key industrial plants, Cider bottling, and Chicken processing are threatened with loss of clean water through contamination from proposed road and housing estates over the Yazor Floodplain and commercial aquifers. This MWLP will sign the death knell of Hereford's historic river vistas from the Heritage parklands of Belmont to the City Cathedral.

3. environmental – for example through adverse landscape or cultural impacts or disturbance to habitats.

This plan enables the supply of materials that result in a major adverse impact on the River Wye Special Area of Conservation through bridge building and subsequent increases in road traffic. The Minerals and Waste Local Plan enables the disturbance and loss of habitat of rare birds, rare plants and protected fish species. No habitat assessments were published prior to decisions on road building routes. No detailed air quality studies were made in conjunction with analysis of modern transport options. The earth moving from borrow pits, numerous road cuts and embankments up to 900m long and 90m wide are not included in the plan but result in destruction of the Historic Parklands of Belmont House designed by Humphry Repton.

Analysis of impact from emissions is sadly lacking from the sustainability assessment given the intensity of the proposed heavy goods traffic.

5.3.1 A large percentage of the vehicle movements associated with minerals and waste development are heavy goods vehicles, which are likely to be significant in volume. Including 7.5 million tonnes of limestone and 4.5 million tonnes of sand and gravel over the Core Strategy period.

**Policy SS8: Resource Management**

The use of minerals and waste resources will be directed to contribute positively to addressing climate change through:

1. Herefordshire Council encouraging waste prevention through:

d. leading by example in its activities.

This statement is at odds with the outdated Core Strategy which describes the need for enormous concrete bridges and road construction around Hereford to reduce congestion and pollution. Modern transport technology negates the need for further road expansions that will

increase greenhouse gas emissions. Clearly Herefordshire Council is not leading by example.

Principle of development Policy M7: Unconventional hydrocarbons

a. Where it is demonstrated to make a viable contribution to security of energy supply and support the transition to a low-carbon economy, the exploration, appraisal and production of unconventional hydrocarbons, including through the use of hydraulic fracturing, will be permitted.

b. Surface proposals will only be permitted where they would be outside the following designated areas: Areas of Outstanding Natural Beauty; protected groundwater source areas; World Heritage sites; Special Protection Areas; Special Areas of Conservation; Ramsar sites; and Sites of Special Scientific Interest.

c. Sub-surface proposals underneath the designations referred to above, will only be permitted where it can be demonstrated that material harm to the designated asset will not occur. Proposals to explore, appraise or extract from beneath an Area of Outstanding Natural Beauty will be considered to comprise major development.

d. Development proposals will be required to demonstrate the use of best practice throughout construction and operation phases and through plant specification.

This Policy is at odds with the current Global Climate Emergency. It should be excluded or amended to reflect growing awareness of the damage caused by the burning of fossil fuels.

About you:

Name:.....Jeremy Milln (supporting Here for Hereford and Wye Ruin It)

Address:.....

.....

Email:.....

Do you wish to be informed of future planning policy consultations?

Yes

(You have the right to withdraw your consent at any time by notifying us.)

Access to Information

All personal data will be treated in line with our obligations under the Data Protection Act 2018, which includes the provisions of GDPR. This means your personal data will not be shared. The data collected will not be used for any other purpose. We do publish representations but email addresses, telephone numbers and signatures will be removed beforehand.

Herefordshire Council is subject to the Freedom of Information Act, 2000, (FoI) and Environmental Information Regulations (EIRs) which means that questionnaires may be released in response to a request for information but private information would be redacted.

Details of our privacy notice can be found at: [www.herefordshire.gov.uk/privacynotices](http://www.herefordshire.gov.uk/privacynotices)

If you would like any further assistance, please contact us in one of the following ways:

Email: [ldf@herefordshire.gov.uk](mailto:ldf@herefordshire.gov.uk) or telephone 01432 383357

Questionnaires can be returned by post to:

Forward Planning, Herefordshire Council Offices, Plough Lane, Hereford, HR4 0LE

Or by email to [ldf@herefordshire.gov.uk](mailto:ldf@herefordshire.gov.uk)

Please return this questionnaire by midnight on 4th March 2019

Thank you for taking time to share your views with us.

Further comments (Please indicate the question you are referring to).

## Latham, James

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**From:** Idf  
**Sent:** 11 March 2019 08:45  
**To:** Eaton, Victoria; Gilson, Susannah  
**Subject:** FW: Draft Minerals and Waste Plan Consultation - March 2019

**Follow Up Flag:** Follow up  
**Flag Status:** Completed

Late M&WLP comment

Kev

-----Original Message-----

**From:** Kris Johnston  
**Sent:** 08 March 2019 18:44  
**To:** Idf <ldf@herefordshire.gov.uk>  
**Subject:** Draft Minerals and Waste Plan Consultation - March 2019

I support all the comments made on the draft plan by Aymestrey Parish Council, with the following additional comments.

The operation of Leinthall Earls quarry has, over a lengthy period of time, had a severe impact on the residents of Aymestrey through the noise levels, speeding and traffic volumes on the A4110. The road has a narrow pavement on the western side but no pavement the eastern side. The quarry operators are unable to control the speeding, partly because the drivers of visiting lorries are generally not employed by the quarry operators. Average speed control cameras are necessary but not in place.

The quarry is adjacent to an Ancient Woodland Site (Gatley Long Coppice), a Grade II\* listed church and a registered park and garden. Added to the comments of the Parish Council are that the quarry can also be clearly seen from the Mortimer Trail as it descends Shobdon Hill. Further, it can be seen at closer quarters from the ancient hill fort of Croft Ambrey.

Any extension of the quarry in time or size will disturb both the species establishing themselves on the quarried land which has been restored and the use and enjoyment of this unique landscape by both locals and tourists.

The Minerals and Waste Plans should not be coupled together. They are not two sides of the same coin - dig an enormous hole, fill it with rubbish. There should be two separate plans.

Leinthall Earls quarry is not suitable for waste disposal due to the very large highways impact and the risk it may pose to the nearby River Lugg Site of Special Scientific Interest, part of the River Wye SAC catchment, which is in unfavourable chemical and ecological condition. This sensitive landscape has been abused long enough by quarrying and restoration should follow on immediately following that quarrying, not be bypassed completely by filling in the land over a long period of time with rubbish.

Please confirm that these comments will be taken into account.

Mrs K Johnston  
Aymestrey

MWLP  
Forward Planning  
Herefordshire Council  
Plough Lane Offices  
Hereford  
HR4 0LE

Date: 4 March 2019  
Our ref: 04051/02/NT/STi/17184198v2  
Your ref:

Dear Sir or Madam

## Herefordshire Draft Minerals and Waste Plan Consultation

**On behalf of our client, Bourne Leisure Limited (“Bourne Leisure”), please find below representations on the Draft Minerals and Waste Local Plan (MWLP), published for comment until 4 March 2019.**

Bourne Leisure operates more than 50 holiday sites in the form of holiday parks, family entertainment resorts and hotels in Great Britain and is therefore a significant contributor to the national tourist economy, as well as local visitor economies. By way of background, in Herefordshire Bourne Leisure operates Holme Lacy House Hotel under its Warner Leisure Hotels brand.

We provide comments on the following elements of the consultation document within the enclosed representation form:

- 1 Q7: Any other comments:
  - a Minerals and waste development – paragraph 3.1.24
  - b Table 1: Draft MWLP Objectives
  - c Sustainable Development and Sustainable Design – Core Strategy policy SS1 and SD1
  - d Historic environment and heritage assets – Core Strategy policy LD4

We trust that these representations are clear and will assist in progressing the emerging MWLP. Please do not hesitate to contact either my colleague Stephanie Irvine or me should you require clarification on any of the points made. We would also be grateful if you would continue to keep us informed of progress on the development of the MWLP and all other emerging planning policy for Herefordshire.

Yours faithfully

Helen Ashby-Ridgway  
Associate Director





Copy Bourne Leisure

**Draft Minerals and Waste Plan Consultation Jan – March 2019**

We would like to know what you think of the draft plan. Your views will help to shape the pre-submission draft, which will be sent for independent examination.

Please read the draft plan and accompanying background documents before answering the following questions:

1. Do you consider that the evidence gathered to underpin the Draft Minerals & Waste Local Plan is sufficiently comprehensive?

Yes  No

If no, please explain why

2. The Draft Minerals & Waste Local Plan's vision (in section 4) is focussed on achieving sustainable development through: the efficient use of minerals; the minimisation and effective use of wastes; and enabling self-sufficiency and resilience. Do you consider this to be an appropriate, yet deliverable approach?

Yes  No

3. Evidence shows that there will be a need for additional sand and gravel reserves to be permitted over the lifetime of the Minerals & Waste Local Plan. Do you consider the policy approach of 3 allocated sites, 2 preferred areas of search and other areas of search to be appropriate? (Policy M3)

Yes  No

If no, please explain why

4. Seeking to increase levels of self-sufficiency and to make a contribution to the Managed Aggregates Supply System of crushed rock (limestone), Policy M4 sets out where new permissions for its extraction shall be permitted (2 allocated sites, 2 areas of search and other areas of search). Do you consider this to be an appropriate approach?

Yes  No

If no, please explain why

5. The waste strategy (Policy W1) seeks to see Herefordshire reduce its wastes produced, re-use, recycle and recover energy more and decrease the amounts going for disposal. Do you consider this and the subsequent policies on waste management development are suitable and deliverable?

Yes  No

If no, please explain why

6. The draft Minerals & Waste Local Plan has been prepared flexibly, to enable appropriate development to occur within the context of local and national changes in circumstances, and will undergo 5-yearly reviews. Do you consider this is an appropriate and considered approach to minerals and waste management provision over the plan period (up to 2031)?

Yes  No

If no, please explain why

7. Do you have any other comments on the draft Minerals & Waste Local Plan, its evidence base, or its soundness?

Yes  No

#### **Minerals and waste development – paragraph 3.1.24**

The Draft MWLP states at paragraph 3.1.24:

*“A key role for the Draft MWLP is to develop planning policies that promote appropriate development that meets the recognised market needs, whilst ensuring that detrimental impacts are minimized and opportunities for betterment are optimized.”*

Bourne Leisure considers that the emerging MWLP should go further than only ensuring that detrimental impacts are “minimized” and should provide explicit protection for residents, businesses and visitors. In particular, there is a risk that tourists may be deterred by these

issues from visiting or returning to the area if there are adverse impacts from mineral or waste developments. Given the importance of tourism to the local and regional economy, the lack of protection for amenity could lead to harmful impacts on these economies.

The NPPF states at paragraph 205b that minerals planning authorities should, in considering proposals for minerals extraction:

*“ensure that there are no unacceptable adverse impacts on the natural and historic environment, human health or aviation safety, and take into account the cumulative effect of multiple impacts from individual sites and/or from a number of sites in a locality.”*

In relation to waste development proposals, the PPG states that authorities should “properly” consider the potential impacts from noise, vibration, artificial light, dust and odour before granting planning permission (ID: 28-049-20141016).

Bourne Leisure considers that draft paragraph is at odds with national policy and is not consistent with NPPF paragraph 205b nor the Planning Practice Guide reference ID: 28-049-20141016. In setting the context for the emerging plan, the paragraph does not reflect national policy and guidance upon which the Vision and objectives are thereafter based.

Bourne Leisure therefore considers that draft paragraph 3.1.24 should be amended as follows:

*“A key role for the Draft MWLP is to develop planning policies that promote appropriate development that meets the recognised market needs, whilst protecting residents, businesses and visitors from unacceptable adverse impacts and ensuring that detrimental impacts are minimized and opportunities for betterment are optimized.”* (proposed amendments underlined)

### **Table 1 – Draft MWLP Objectives**

The proposed Vision in the Draft MWLP states:

*“Over the period to 2031, Herefordshire will deliver sustainable provision of minerals supply and waste management, balancing development needs whilst supporting the county’s communities, protecting and enhancing environmental, heritage and cultural assets and strengthening the local economy. Sustainable provision within Herefordshire will be achieved through: efficient use and effective protection of mineral resources; efficient waste management infrastructure including delivery of the circular economy; taking a strategic approach to achieving high quality reclamation that provides site betterment; and optimising self-sufficiency and resilience.”* [our emphasis]

In the context of this emerging Vision, Bourne Leisure is concerned that the draft objectives for the MWLP do not recognise that minerals and waste development can have adverse amenity impacts for sensitive receptors, such as residential or holiday accommodation. Should minerals and waste operations give rise to unacceptable adverse impacts there is a risk that tourists may be deterred from visiting or returning to the area, thereby impacting on the local economy.

The NPPF states at paragraph 205b that minerals planning authorities should, in considering proposals for minerals extraction:

*“ensure that there are no unacceptable adverse impacts on the natural and historic environment, human health or aviation safety, and take into account the cumulative effect of multiple impacts from individual sites and/or from a number of sites in a locality.”*

The PPG adds that mineral planning authorities should address the potential environmental impacts of proposals for minerals development proposals, including in relation to noise, dust, air quality, visual impact on the local and wider landscape, landscape character, and architectural and heritage features (ID: 27-013-20140306).

In relation to waste development proposals, the PPG states that authorities should “properly” consider the potential impacts from noise, vibration, artificial light, dust and odour before granting planning permission (ID: 28-049-20141016).

Paragraph 5.2.3 of the Draft MWLP recognises this risk. However, as drafted, Bourne Leisure considers that the emerging MWLP Objectives do not fulfil the fourth test of soundness (“Consistent with national policy”) in the NPPF (paragraph 35), as they do not provide an adequate framework for the policies in the emerging plan. Further, as drafted, the objectives would not provide an effective way of delivering the emerging Plan’s vision. Bourne Leisure therefore considers that the emerging MWLP should include an objective to protect residents, businesses and visitors against the unacceptable adverse amenity impacts of waste and mineral development.

#### **Sustainable Development and Sustainable Design – Core Strategy policies SS1 and SD1**

Bourne Leisure endorses the information provided at Sections 5.2 and 5.7 as additional explanations to Core Strategy policies SS1 and SD1 respectively. It clearly sets out the need to ensure that the unacceptable adverse impacts of minerals and waste development are avoided or mitigated. It is considered that this explanation properly expands upon Policies SS1 and SD1 and highlights that the local authority should take into account the potential effect of minerals and waste development proposals on people, businesses and the natural environment when considering these proposals.

Despite this overall endorsement, it is not clear how this explanation will form part of the emerging MWLP in the pre-submission version. To ensure the plan is justified, effective and consistent with national policy, these considerations should be set out as a new policy that supplements Core Strategy Policies SS1 and SD1. In doing so the policy would provide an explicit framework that would help to deliver the emerging Vision and the strategic objectives as amended elsewhere in these representations.

#### **Historic environment and heritage assets – Core Strategy policy LD4**

The Draft MWLP briefly sets out its proposed approach to the historic environment and heritage assets at paragraphs 5.4.19 to 5.4.21.

It states at paragraph 5.4.19:

*“Minerals and waste development proposals should include a clear strategy for enhancing the historic environment character. Site reclamation and after-use may enable improved access to historic sites, enhance the setting of historic features (such as water meadows) reinstate historic features such as hedgerows, or provide on-site interpretation of the site and its history in association with publicly accessible areas.”*

The Draft MWLP relies on the adopted Core Strategy (Policy LD4) and on advice published by Historic England in its approach to the historic environment and heritage assets. It does not include a requirement to recognise the significance of designated heritage assets when considering minerals and waste proposals.

The NPPF states at paragraph 185:

*“Plans should set out a positive strategy for the conservation and enjoyment of the historic environment... This strategy should take into account:*

*a) the desirability of sustaining and enhancing the significance of heritage assets...”*

The NPPF also states at paragraph 190:

*“Local planning authorities should identify and assess the particular significance of any heritage asset that may be affected by a proposal (including by development affecting the setting of a heritage asset) taking account of the available evidence and any necessary expertise. They should take this into account when considering the impact of a proposal on a heritage asset, to avoid or minimise any conflict between the heritage asset’s conservation and any aspect of the proposal.”*

As drafted, Bourne Leisure considers that the section on the historic environment and heritage assets in the draft MWLP does not comply with the fourth test of soundness in the NPPF (paragraph 35), as it does not set out a positive strategy for the conservation and enjoyment of the historic environment (NPPF paragraph 190).

Bourne Leisure therefore considers that the emerging MWLP should make it clear that planning decisions in relation to minerals and waste development should take into account the need to protect the significance of designated heritage assets.

Bourne Leisure considers that draft paragraph 5.4.19 should be amended as follows:

*“Minerals and waste development proposals should take account of the significance of heritage assets and should avoid or minimise any conflict between conservation of the heritage asset and any aspect of the proposal. ~~a clear strategy for enhancing the historic environment character.~~ Site reclamation and after-use may enable improved access to historic sites, enhance the setting of historic features (such as water meadows) reinstate historic features such as hedgerows, or provide on-site interpretation of the site and its history in association with publicly accessible areas.”* (proposed amendments underlined)

It is also not clear how this explanation will form part of the emerging MWLP in the pre-submission version. To ensure the plan is justified, effective and consistent with national policy, these considerations should be set out as a new policy that supplements Core Strategy Policy LD4. In doing so the policy would provide an explicit framework that would help to deliver the emerging Vision and the strategic objectives as amended elsewhere in these representations.

About you:

Name: Helen Ashby-Ridgway

.....

Address: Lichfields, Helmont House, Churchill Way, Cardiff, CF10 2HE

.....

.....

Email: [helen.ashby-ridgway@lichfields.uk](mailto:helen.ashby-ridgway@lichfields.uk)

.....  
Do you wish to be informed of future planning policy consultations?

Yes  No

(You have the right to withdraw your consent at any time by notifying us.)

#### Access to Information

All personal data will be treated in line with our obligations under the Data Protection Act 2018, which includes the provisions of GDPR. This means your personal data will not be shared. The data collected will not be used for any other purpose. We do publish representations but email addresses, telephone numbers and signatures will be removed beforehand.

Herefordshire Council is subject to the Freedom of Information Act, 2000, (FoI) and Environmental Information Regulations (EIRs) which means that questionnaires may be released in response to a request for information but private information would be redacted.

Details of our privacy notice can be found at: [www.herefordshire.gov.uk/privacynotices](http://www.herefordshire.gov.uk/privacynotices)

If you would like any further assistance, please contact us in one of the following ways:

Email: [ldf@herefordshire.gov.uk](mailto:ldf@herefordshire.gov.uk) or telephone 01432 383357

Questionnaires can be returned by post to:

Forward Planning, Herefordshire Council Offices, Plough Lane, Hereford, HR4 0LE

Or by email to [ldf@herefordshire.gov.uk](mailto:ldf@herefordshire.gov.uk)

Please return this questionnaire by midnight on 4th March 2019

Thank you for taking time to share your views with us.

Further comments (Please indicate the question you are referring to).

## Latham, James

---

**From:** ldf  
**Sent:** 30 January 2019 09:19  
**To:** Eaton, Victoria; Gilson, Susannah  
**Subject:** FW: consultation response to the draft minerals and waste local plan

Hi Both

M&W LP response attached.

Regards

Kev

---

**From:** Richard Kippax  
**Sent:** 29 January 2019 17:46  
**To:** ldf <ldf@herefordshire.gov.uk>  
**Cc:** Joanna Kippax  
**Subject:** consultation response to the draft minerals and waste local plan

Dear Herefordshire Council

I write in response to your draft plan and would make the following points if I may.

I live at Wootton Farm which is close by to Perton Quarry so I am interested in your plans for that site in particular though most of the points I make apply to the other sites as well.

1 What do local residents think about your plan? Do you have a statutory or at least moral duty to ask their views? If so should you not write to them ALL as part of the consultation process so you have as complete a 'local view' as possible?

2 What are the potential environmental impacts of your plan to wildlife? What do you know about the local ecology around the existing site and how a site extension might impact this? I could not see that this has been considered as part of your plan.

Thinking specifically of the Perton site did you know that there are nesting peregrine falcons at the site? How can you ensure that their nesting sites are not disturbed by a northwestern extension (on the cliff on the northwestern side is where I believe they nest).

What other rare fauna and flora might be there also? Just down the hill at Wootton Farm for example there are silver washed fritillaries and wood white butterflies as well as barn owls and tawny owls and in recent times past little owls. The local area is RICH in wildlife.

Shouldn't you commission the Herefordshire Wildlife Trust to do a survey of each area you propose to impact?

3 What do you know about the archaeology of each site extension in your plan? Once quarried it is lost for ever? Shouldn't you commission an archaeological survey of any proposed site extension? To the north of the quarry are iron age strip lynchets in the open field. Do you KNOW they don't extend into the are of the proposed site extension

4 The map you have attached of Perton Quarry is not uptodate. It fails to outline the recently started SOUTHERN extension of the quarry (for which there has long been planning permission obviously). This



needs correcting please as it gives a misimpression of the size of the existing site. Please email specifically to say this has been done. I understand this **southern** extension has about 25 years of stone in it so why the need to extend the quarry to the northwest if this plan is meant to take us up to 2031?

In relation to point 4 above I hypothesise that the ridge recently destroyed by the southern extension may have been a bronze or iron age ridge route. ( I accept this is pure conjecture on my part). I make this point to ask you to consider the potential archaeology of any site extension BEFORE it is destroyed for ever.

5 What impact will a northwestern extension to Perton Quarry have on the geology of an already unstable geological area please? How is this going to be assessed? How will it be assessed on an ongoing basis?

What risk is there to local buildings' structural integrity from quarrying activities? How is this going to be monitored throughout the period of the plan?

6 What impact will a northwestern extension to Perton Quarry have on drinking water supplies for those houses nearby which have borehole supplies?

Do you know which houses in the area are on borehole water even?

How far away does any 'nearby' house need to be before you KNOW it is NOT impacted by the quarrying extension?

How are you going to monitor any subsequent impact on drinking water quality in years to come as for any extension it will take many years to extract all the stone?

7 With the push by central Government for more housing in Herefordshire there are several potential houses that will in my view be impacted adversely by a northwest extension to Perton Quarry. Do you know where these are? None of three I mean are habitable at present but all are adjacent or very close to the north western extension, and I imagine that these properties will be less developable if the quarry is extended further.

8 Please could you comment further in your plan about the LONGER TERM potential or otherwise for all your sites? After all we don't want to turn Herefordshire into one big quarry but at the same time I entirely accept the need for development in the future!

9 What plans do you have to monitor local air quality due to site extension please?

10 What plans do you have to monitor any site extensions from a noise point of view please?

11 Herefordshire is an amazingly beautiful county. How do you propose minimising the adverse visual impact these site extensions will have?

12 You mention the need to supply quarried products from local sources. How will you ensure that these products stay within Herefordshire and don't go to supply projects OUTSIDE the county? It would be a shame to dig up Herefordshire to build roads etc in other parts of the country! How will you monitor this on an ongoing basis over the period of the plan?

I look forward to hearing from you on all these points.

Yours faithfully

Dr Richard Kippax

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**65 Gresham Street**  
**London**  
**EC2V 7NQ**  
[info@UKOOG.org.uk](mailto:info@UKOOG.org.uk)

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Hereford  
HR4 0LE  
[ldf@herefordshire.gov.uk](mailto:ldf@herefordshire.gov.uk)

Monday 4<sup>th</sup> March 2019

Dear Sir/Madam

**RE: Hereford Draft Minerals and Waste Local Plan 2019 Consultation**

UKOOG is the representative body for the UK onshore oil and gas industry, including exploration and production.

We support the process of local plan considerations and want to ensure that any proposed plan with respect to onshore oil and gas is sound and meets with the criteria and policies outlined by Government in the NPPF, Planning Practice Guidance and related Written Ministerial Statements.

In particular, any policy framework which serves to significantly impede or prevent such development in areas where minerals are found, and have been licensed by the Government for hydrocarbon development, will be contrary to national policy unless there is strong evidential justification.

The planning process for onshore oil and gas is one of five regulatory processes that are required under the current policy framework set by government. As such the proposed plan should include a review of each regulatory function and identify those areas which fall outside of the planning process. **PPG 012** and **PPG 112** make clear that planning authorities are not responsible for matters covered by other regulatory regimes. MPAs *"should assume that these regimes will operate effectively. Whilst these issues may be put before mineral planning authorities, they should not need to carry out their own assessment as they can rely on the assessment of other regulatory bodies."* This planning policy principle has been re-confirmed in a number of legal cases including most recently. (Frack Free Balcombe Residents Association) v West Sussex CC 2014.

Our comments on the draft policies that cover Minerals and Unconventional Hydrocarbons are as follows:

**Policy M1: Minerals Strategy**

**UKOOG comments:**

UKOOG supports an overall approach that considers *'The sustainable winning and working of mineral resources in Herefordshire'* and one that *'establish(es) appropriate criteria to consider development proposals for unconventional hydrocarbons'*. The industry also supports an approach that looks to use

land efficiently and seeks to share infrastructure where it is practical to do so, which aligns with draft Policy M1.

With regard to safeguarding, UKOOG agrees with the policy approach of *'safeguarding them from the encroachment of incompatible uses and sterilisation by built development'*.

### **Principle of development Policy M7: Unconventional hydrocarbons**

UKOOG comments:

UKOOG would like to remind the Council that M7 (a) which states, *'Where it is demonstrated to make a viable contribution to security of energy supply and support the transition to a low-carbon economy, the exploration, appraisal and production of unconventional hydrocarbons, including through the use of hydraulic fracturing, will be permitted'* is a matter of national policy and not a matter for minerals planning authorities.

UKOOG supports Policy M7 (b), *'Surface proposals will only be permitted where they would be outside the following designated areas: Areas of Outstanding Natural Beauty; protected groundwater source areas; World Heritage sites; Special Protection Areas; Special Areas of Conservation; Ramsar sites; and Sites of Special Scientific Interest'*, which reflects the controls established through the Infrastructure Act 2015.

Policy M7 (c) states, *'Sub-surface proposals underneath the designations referred to above, will only be permitted where it can be demonstrated that material harm to the designated asset will not occur. Proposals to explore, appraise or extract from beneath an Area of Outstanding Natural Beauty will be considered to comprise major development.* The regulation of the subsurface is a matter for the Environment Agency (EA), Health and Safety Executive (HSE) and Oil and Gas Authority (OGA) and not the minerals planning authority in the context of onshore oil and gas, this is clearly stated in both **PPG 012** and **PPG 112**.

### **Waste management**

UKOOG comments:

All oil and gas operations require permits from the EA to manage mining or extractive wastes. Such wastes include returned or reservoir fluids, waste gasses and solids from the well, including any naturally occurring radioactive materials. These permits stipulate waste treatment methods, any recycling measures and the overall route of disposal. Furthermore, the EA also permit waste water re-injection activities via existing boreholes.

It is UKOOGs view that this section of the draft plan should clearly state the role of the EA in regulating waste to avoid unnecessary duplication by the MPA.

### **Decommissioning and Reclamation**

UKOOG comments:

The policy on decommissioning and Reclamation states,

*'Following completion of the operational phase of development or during periods of suspension pending further development:*

- i. any wells will be decommissioned so as to prevent the risk of any contamination of ground and surface waters and emissions to air; an*

*ii. all plant, machinery and equipment not required to be retained at the site for operational purposes would be removed and the land restored to its original use or other agreed beneficial use, within an agreed timescale.*

Where a well is suspended pending further development, the well would not be 'decommissioned' as stated in point (i). The term decommissioning refers to the process of permanently cementing the well closed and relinquishing any environmental permits, where as a suspended well will be 'shut-in' to ensure no releases to the environment and will remain permitted by the EA. This is an important distinction that should be drawn out in the policy and supporting text.

We hope that you find our comments helpful.

Please come back to us if you have any questions.

Yours faithfully

Steve Thompsett  
Executive Director

## Eaton, Victoria

---

**From:** William Owens [REDACTED]  
**Sent:** 29 January 2019 12:56  
**To:** Eaton, Victoria  
**Subject:** Gravel and Sand Extraction - Land at Arrow Green, Kingsland/Monkland Herefordshire  
**Attachments:** Land at Arrow Green.png; Land at Arrow Green Location Plan.png

Hi Victoria,

As discussed earlier we have a block of land we would like you to consider for gravel and sand extraction and therefore included as a potential site in the Herefordshire consultation.

Its approximately 80 acres and it is located between Monkland and Kingsland just off A4110. With good access off the main road. I have attached two plans showing the location and a plan showing the exact land outlined in red.

Furthermore we have had a preliminary mineral resource evaluation carried out for the land, detailing the findings, particles sizes and geology done through trial pits. The headline figures from the report re tonnage are as follows.

- Including clayey sand and gravel above the water table - greater than 665,000t recoverable mineral tonnage.
- Excluding clayey sand and gravel above the water table - greater than 550,000t of recoverable mineral tonnage.

I will arrange for some of this report to be posted to you. We also had a planning appraisal for the site carried out which i can send a copy on the request.

If you require any further information please do not hesitate to ask.

Kind regards

Will

Victoria,

Please find enclse mineral extraction evaluation  
in accordance with my email dated 29.01.10

Will Owens

# Edge & Pritchard Limited

Consulting Geotechnical Engineers

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United Kingdom

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**DRAFT**

## LAND AT ARROW GREEN, KINGSLAND, HEREFORDSHIRE

### PRELIMINARY MINERAL RESOURCE EVALUATION

*prepared for*

**Mr D Owens**

*Report reference AG/1/1*

**5 July 2002**

## ACS Testing.

The following tests were performed in order to provide information with which to undertake a preliminary assessment of material quality and end use potential:

- Particle Size Distribution (PSD) tests (BS 812: Section 103.1: 1985: Clause 7.2) (6 tests);
- Determination of Ten Per Cent Fines Value (TFV) (BS 812: Part 111: 1990) (1 test);
- Determination of Water Absorption (BS 812: Part 2: 1995: Clause 5.4) (1 test).

Test results are presented in Appendix A.

## 3. FINDINGS

### 3.1 Geology

#### 3.1.1 General

The published information shows the geology of the general area to comprise Alluvium underlain by Raglan Mudstone with localised occurrences of glacial sand and gravel. No sand and gravel is shown as occurring within the site area. However, the trial pit investigation intersected sand and gravel in all 14 trial pits.

Based on the trial pit results the general sequence of geological materials represented at the site has been established as follows:

- |                   |  |
|-------------------|--|
| • Overburden      | Thickness: Average <i>c.</i> 1.21m<br>(range: <i>c.</i> 0.70-2.50m);                           |
| • Sand and gravel | Thickness: Average greater than <i>c.</i> 2.07m<br>(range: greater than <i>c.</i> 1.10-3.00m); |
| • Underburden     | Thickness: Greater than <i>c.</i> 0.20m.   |



### **3.1.2 Overburden**

The overburden comprises topsoil/subsoil and silty clay (Alluvium).

### **3.1.3 Sand and Gravel**

Glacial sand and gravel was intersected in all 14 trial pits.

The deposit is a dense, slightly clayey to clayey, silty sand and gravel and typically comprises:

- a more 'clayey' upper part above the water table (intersected thickness: c. 0.00-0.70m);
- a 'cleaner' lower part below the water table (intersected thickness: greater than c. 1.10-2.55m).

It should be noted that the base of the mineral deposit was only proved in one trial pit (TP13). At the other locations the depth to the base of the mineral deposit exceeded the depth capability of the JCB and/or the trial pit had to be abandoned due to instability of the trial pit sides.

The composition of the deposit exhibits considerable variation in terms of grading - this is typical of a sand and gravel deposit of glacial origin. Lenses of sand and gravel occur throughout the deposit. Oversize material (cobbles) occurs locally.

Clasts are typically sub-rounded and are composed of a range of rock types.

### **3.1.4 Underburden**

Underburden was intersected in 1 trial pit only (TP13) and comprised red brown clay. This is inferred to be weathered Raglan Mudstone.

## **3.2 Hydrogeology**

Groundwater was intersected in all trial pits at depths from ground surface ranging from c. 1.1-2.5m.

## 4. MINERAL RESOURCE ESTIMATION

### 4.2.1 Material Quality

#### Particle Size Distribution

PSD test results for the samples tested (with the exception of sample 13/2 - see below) are given on Table 2.

The test results for sample 13/2 recovered from trial pit TP13 are considered erroneous. The sample was logged at the site as a relatively clean sand and gravel. However, the test results are more consistent with a sandy, gravelly clay. The testing laboratory is unable to account for this apparent inconsistency and accordingly this sample has been excluded from further analysis of results.

The following general grading of the deposit is indicated:

- Oversize material (+37.5mm): Average 14% (range 10-19%);
- Coarse aggregate (5mm – 37.5mm): Average 49% (range 31-60%);
- Sand (75micron - 5mm): Average 26% (range 17-37%);
- Fines (-75micron): Average 11% (range 6-17%).

The indicated average fines content is relatively high for a commercially viable mineral deposit. However, the average figure includes the samples of generally more clayey material recovered from above the water table. The average fines content for the generally cleaner material recovered from below the water table is more reasonable at c. 8.5%.

The content of oversize material is relatively high. However, if the overall deposit tonnage is sufficiently high, consideration could be given to crushing the oversize material.

PSD test results have been reviewed and compared with appropriate specifications for commercial uses of sand and gravel aggregates as set out in BS882 (British Standards Institution BS882: 1992, Specification for Aggregates from Natural Sources for Concrete). The following observations are made:

- **Coarse concreting aggregate:** Taking the deposit as a whole, the graded coarse aggregate falls marginally outside the BS882 grading limits for coarse concreting aggregate due to an excess of finer material passing 5mm. The samples recovered from below the water table come closer to meeting the grading limits. However, it is considered that the product could be brought within specification by careful screening;
- **Concreting sand:** Taking the deposit as a whole, the graded sand falls within the BS882 grading limits for coarse and medium concreting sand.

### Ten Per Cent Fines Value

The mechanical strength of the coarse aggregate has been assessed by performing a TFV test on a representative combined sample of material. A TVF of 130kN is indicated by the laboratory results.

The value is relatively low compared to values more typically obtained for gravels used as concreting aggregate (170-250kN). Based on BS882, in terms of mechanical strength requirements, the coarse aggregate would be suitable for general purpose concrete and pavement wearing surfaces, but not for heavy duty concrete floor finishes.

### Water Absorption

A water absorption value of 5.5% is indicated by the laboratory results.

The value is relatively high. A value greater than *c.* 3% is likely to limit the suitability of the aggregate for higher specification concrete applications.

#### **4.2.2 End Use Potential**

It is considered that the processed sand and gravel would likely to be of commercial value for use in the following applications:

- concreting aggregate;
- highway works: sub-base construction;
- highway works: general granular fill, drainage works, pipe bedding.

With reference to the above noted applications, the greatest financial return would be associated with use of the sand and gravel for concreting aggregate. Use of the material as a general fill material would realise the lowest financial return.

#### 4.2.3 *Mineral Resource Tonnage*

The following preliminary estimate of the mineral resource tonnage present at the site has been made:

- *Including 'clayey' sand and gravel above the water table*
  - Average mineral thickness: greater than c. 2.07m;
  - Gross mineral volume: greater than c. 455,000m<sup>3</sup>;
  - Recoverable mineral tonnage: greater than c. 665,000t.
- *Excluding 'clayey' sand and gravel above the water table*
  - Average mineral thickness: greater than c. 1.71m;
  - Gross mineral volume: greater than c. 375,000m<sup>3</sup>;
  - Recoverable mineral tonnage: greater than c. 550,000t.

General assumptions made in the mineral resource estimate are as follows:

- Mineral extraction area: c. 22ha;
- Processing losses: 11%;
- 1.65t/m<sup>3</sup> conversion factor for processed material.

Assuming that the 'clayey' sand and gravel above the water table can be processed as mineral, it is estimated that an overburden volume of c. 270,000m<sup>3</sup> (average thickness of c. 1.21m) would have to be stripped - a favourable ratio of overburden volume to gross mineral volume of better than c. 0.6: 1 is therefore indicated. A less favourable stripping ratio would be associated with the deposit if the 'clayey' sand and gravel above the water table could not be processed as mineral and reported as waste.

## 5. SUMMARY AND RECOMMENDATIONS

This Company has completed a preliminary mineral resource evaluation of land at of land at Arrow Green, Kingsland, Herefordshire involving a desk study, site investigation and laboratory testing.

A sand and gravel mineral resource, currently estimated to be at least *c.* 550,000t and possibly exceeding 665,000t has been identified and a range of potential end use applications have been identified.

It is considered that the processed sand and gravel would likely be of commercial value for use as concreting aggregate and in a range of highway works applications.

Further site investigation work involving boreholes, trial pits, site surveying and laboratory testing would be required in order to permit a more detailed evaluation of the quality of the sand and gravel and the associated end use potential, and a more accurate estimate of the mineral resource tonnage. Importantly:

- the full thickness of the mineral deposit across the site needs to be determined;
- the viability of processing the 'clayey' sand and gravel above the water table as mineral needs to be confirmed;
- mineral quality and end use potential needs to be confirmed by further laboratory testing.

It is considered that the preliminary results obtained to date are sufficiently encouraging to justify completing further site investigation and laboratory testing work. However, in advance of any such further work, it is recommended that relevant mineral planning issues are considered in order to establish at an early stage whether the site offers realistic development potential within a planning context.

5 July 2002



River Arrow

A4110

Moor Brook

Moor Brook

A4110

Google

Default

Home Zoom In Point Select Unselect All Measure Area Coordinate Export Annotate Rectangle Log Off

Back Zoom Out Polygon Select Zoom to Active Selection Toggle scale bar Annotate Polyline Annotate Text Exit

Forward Pan Rectangle Select Measure Distance Toggle overview map Annotate Polygon Clear Annotation

Default

Info

Planning Constraints (no EA) (16)

SPECIAL WILDLIFE SITE - SWS\_503

Planning Constraints Information (1/1)

Reference SPECIAL WILDL...

Old Reference

Category Special Wildlife...

Description River Arrow

Location

Grade (Listed Buildings)

Label

Unit

Case Officer

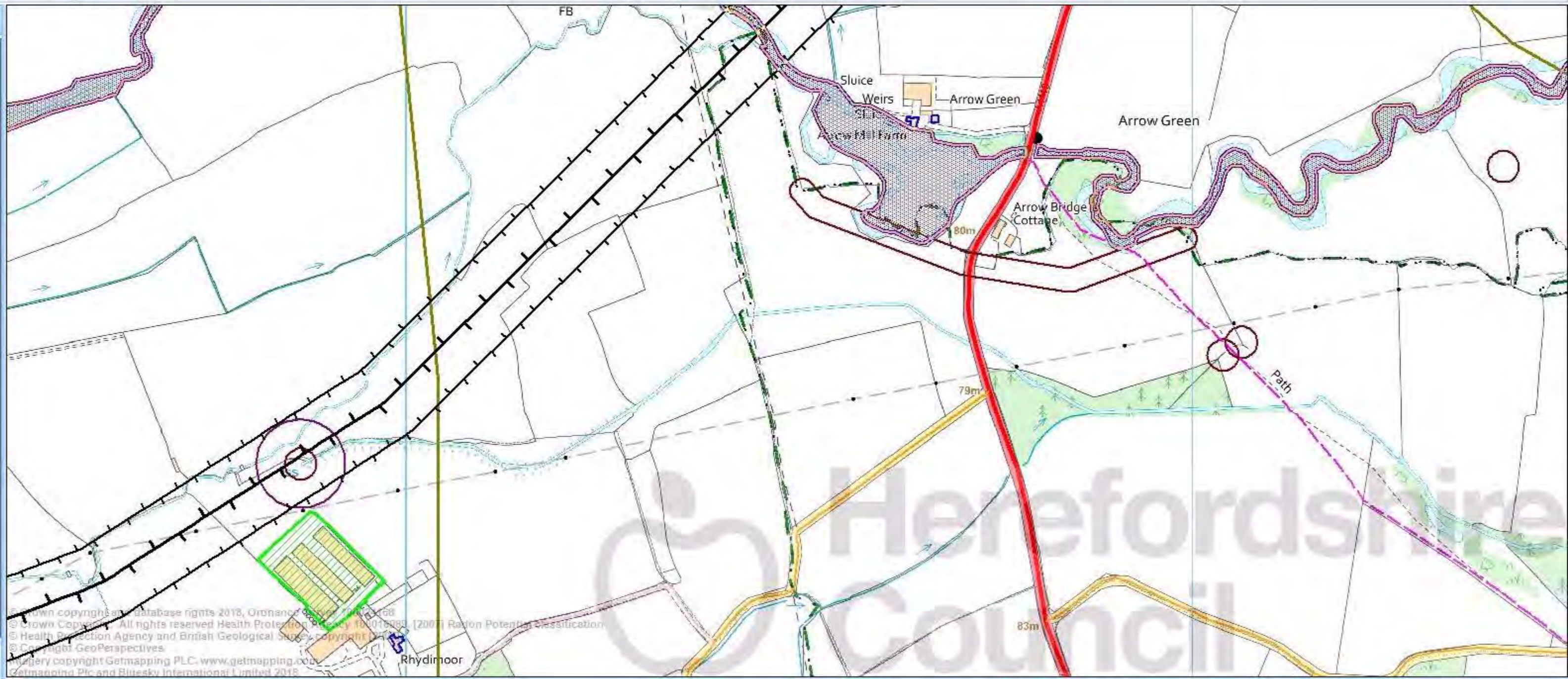
Legend

Queries

Info

Print

Coordinate details



Parish and Clerk information (2) SSSI Impact Risk Zone Information (1) Ward Name (2) HRA Screening Information (1) Planning Constraints Information (16)

Apply Reset Export

	Full Name	Short Name	Area / ha	Title	Initials	First Name	Surname	Address Line 1	Address Line 2	Address Line 3	Address Line 4	Address Line 5	Postcode	Telephone	Fax	Email
▶	Kingsland CP	Kingsland	1991.834	Mr.	R.	Richard	Hewitt	Orchard View	Brinshope	Wigmore			HR6 9UR	01568 770 776		clerk.kingslandpc@gmail.com
	Monkland & Stretford CP	Monkland & Stretford	624.087	Mrs.	L.	Lesley	Hay	Bank Croft	Monkland	Leominster	Herefordshire		HR6 9DB	01568 720092		thelesleyhay@hotmail.co.uk

